THE PRISON IN MALTA:

1850 – 1870 and 1931 – 1951

Thesis submitted in candidature for the degree of Doctor of Philosophy

2004

Sandra Scicluna

Department of Criminology

University of Leicester

DEDICATION

To my father who was the prison psychiatrist for a time

and

To my mother who has always supported me

DECLARATION

This work has not been presented previously either wholly or in part for any other degree and is not being currently submitted for any other degree.

Signed ……. (candidate)

Date ……

STATEMENT 1

This thesis is the result of my own investigations, except where otherwise stated. Other sources are acknowledged by in text citations giving explicit reference. A bibliography is appended.

Signed ……. (candidate)

Date ……

STATEMENT 2

I hereby give consent for my thesis, if accepted, to be available for photocopying and for inter-library loan, and for the title and summary to be made available to outside organisations.

Signed ……. (candidate)

Date ……

ACKNOWLEDGEMENTS

First I would like to thank my supervisor, Mr Andrew Willis, for his support and encouragement during the creation of this thesis.

I would also like to thank the people working in the National Archives of Malta (NAM) for their help in carrying heavy ledgers, putting them in order and helping me with the access of historical documents and papers. Thanks are also due to Mr Louis Cilia, the permanent secretary for Home Affairs and the Prison Director Mr. Emanuel Cassar for granting me permission to consult the 'closed' prison archives.

Thanks are also due to the University of Malta for having sponsored my studies, to Dr Raymond Mangion for explaining certain points in Maltese history, Mr Silvio Cortis and the staff at the library of the University of Malta for their help and Ms Marion Cachia, the secretary for the Institute of Forensic Studies for her help, support and understanding.

A special thanks goes to my friend and colleague Ms Jacqueline Azzopardi and her husband Mario Azzopardi, who have helped me throughout the thesis.

ABSTRACT

The Prison in Malta: 1850 – 1870 and 1931 – 1951
by
Sandra Scicluna

This thesis explores, through archival research, the development of the modern prison in Malta at two important points in its history. The date of the inception of Corradino prison in 1850 and the enactment of the 1931 regulations influenced by the Patterson reform. It takes a three-pronged approach of prison regulations, prison practice and prisoners to explain the happenings of the prison. This archival research also explores the tenth and twentieth year from the enactment of the regulations to enable an analysis of the adoption of prison practice vis-à-vis the prison regulations through data categories. Each era is explored through the architectural structure, the prisoners' profiles, the prison routine, the prison discipline, the prisoners' work, their diet and the workers in prison (the data categories) which feed and were fed by the hypothesis which in turn feed the theoretical approach which also inspired the hypothesis.

This research confirms the three hypotheses under study. The first, being that, the prison regulations moved from being aimed at deterrence and retribution to the punishment of the soul and rehabilitation. The second hypothesis addressed prison practice in that it moved from being austere to a softer mode of punishment. The third hypothesis concluded that the prisoners' profiles did not change much during a hundred years. These hypotheses were analysed through a four-pronged theoretical approach, which the researcher called 'change in thinking', 'change in sensibilities', 'commitment to discipline' and 'the needs of the state'.

This thesis starts with a short introduction, followed by the literature review where the theoretical perspective is explained. This in turn leads to an explanation of the method and the problems encountered during the research. The data from the research is presented in four chapters. The first two chapters analyse the 1850-1870 era while the second two chapters, address the 1931-1951 era. The concluding chapter brings together the findings from the previous chapters and accepts the hypotheses. The research shows that the Maltese authorities were heavily influenced by the English colonial powers in the running of the prison. However, in 1850 the running of the Maltese prison seems more advanced than that of the English prison, while in 1931 the opposite is true, with the Patterson reforms, having to wait until after the war to be put in practice.

Table of Contents

DECLARATION 4
ACKNOWLEDGEMENTS 5
ABSTRACT 6
Table of Contents 7
Table of Tables 8
Table of Figures 8
Chapter 1: Introduction 9
Chapter 2: Literature Review 14
Historical development of the prison 14
Change in thinking 21
Change in sensibilities 24
Commitment to discipline 26
Meeting the needs of the state 30
Conclusion 34
Chapter 3: Methodology 36
Chapter 4: Prisons and Prisoners 1850 - 1870 54
Penal Estate 54
Prison Inmates 63
Discussion 80
Chapter 5: Prison Regime 1850 – 1870 85
Prison Routine 85
Prison Discipline 95
Diet 104
Work 107
Governance 110
Welfare 116
Custody 122
Discussion 124
Chapter 6: Prison and prisoners 1931 - 1951 130
Prison Estate 131
War Years 134
Prison Inmates 143
Discussion 159
Chapter 7: Prison Regime 1931 - 1951 162
Prison Routine 162
Prison Discipline 168
Diet 176
Work 180
Governance 185
Welfare 189
Custody 197
Discussion 201
Chapter 8: Conclusion 206
Appendix A : Photographs of the sorting process 216
Appendix B : Sample of Documents 217
Appendix C : Prison timetable in 1850 and 1860. 225
Appendix D : Diet tables for 1850 226
Appendix E : Diet allowance for 1860 and 1870 230
Appendix F : Daily Routine according to the prison regulations of 1931 231
Appendix G : Disobedience and disciplinary action 232
Appendix H : Scale of Dietary 238
Bibliography 240

Table of Tables

Table 3.1: A Classification of Documents 40
Table 3.2: List of Sorted Documents 43
Table 3.3: List of most used documents 52
Table 4.1: Classification of the number of prisoners in 1870 66
Table 4.2: Petitions for pardon refused or accepted by Governor in 1870 67
Table 5.1: Prison discipline in 1850 99
Table 5.2: Infractions of discipline dealt with by Superintendent of prisons in 1860 100
Table 5.3: Punishments given by the prison authorities 1850, 1860 and 1870 101
Table 5.4: The prisoners' trade in 1850 107
Table 6.1: Professions of internees 138
Table 6.2: Requests for pardons in 1941 141
Table 6.3: Status of prisoners held in 1931, 1941 and 1951 157
Table 7.1: Offences committed by prisoners in 1931, 1941 and 1951 168
Table 7.2: Punishments given to refractory prisoners in 1931, 1941 and 1951 172
Table 7.3: Remunerative work in 1931 184
Table 7.4: Prison personnel in 1931, 1941 and 1951 198

Table of Figures

Figure 3.1: Micro, mezo an macro levels of understanding 38
Figure 3.2: Distribution of the Maltese Population by Region. 47
Figure 4.1: Plan of Corradino prison as it stood in 1950 59
Figure 4.2: Proposed stool for prison cells 67
Figure 4.3: Age of prisoners sentenced in 1850, 1860 and 1870 69
Figure 4.4: Length of prison sentence in 1850, 1860 and 1870 70
Figure 4.5: Type of sentence in 1850, 1860 and 1870 71
Figure 4.6: Marital status of prisoners 1850, 1860 and 1870 72
Figure 4.7: Number of married and widowed prisoners with children in 1850, 1860 and 1870 73
Figure 4.8: Type of crimes committed by sentenced prisoners 1850 74
Figure 4.9: Type of crimes committed by sentenced prisoners 1860 75
Figure 4.10: Type of crimes committed by sentenced prisoners 1870 76
Figure 4.11: Place of residence of prisoners prior to imprisonment in 1850, 1860 and 1870 77
Figure 4.12: Recidivism rates of sentenced prisoners in 1850, 1860 and 1870 78
Figure 4.13: Profession of prisoners prior to imprisonment in 1850, 1860 and 1870 79
Figure 5.1: Literacy rate of prisoners in 1850, 1860 and 1870 88
Figure 5.2: Nationality of prisoners in 1850, 1860 and 1870 88
Figure 6.1: Committals between 1936 - 1952 141
Figure 6.2: Gender of inmates in 1931, 1941 and 1951 144
Figure 6.3: Age of sentenced prisoners in 1931, 1941 and 1951 146
Figure 6.4: Length of prison sentence in 1931, 1941 and 1951 147
Figure 6.5: Type of sentences in 1931, 1941 and 1951 148
Figure 6.6: Marital Status of prisoners 1931, 1941 and 1951 149
Figure 6.7: Number of married and widowed prisoners with children in 1931, 1941 and 1951 149
Figure 6.8: Types of crimes committed by sentenced prisoners in 1931 150
Figure 6.9: Types of crimes committed by sentenced prisoners in 1941 151
Figure 6.10: Types of crimes committed by sentenced prisoners in 1951 151
Figure 6.11: Place of residence of prisoners prior to imprisonment in 1931, 1941 and 1951 152
Figure 6.12: Recidivism rates of sentenced prisoners in 1931, 1941 and 1951 153
Figure 6.13: Profession of prisoners prior to imprisonment in 1931, 1941 and 1951 154
Figure 7.1: Literacy rate of prisoners in 1931, 1941 and 1951 171
Figure 7.2: Nationality of prisoners in 1931, 1941 and 1951 172

Chapter 1: Introduction

Prison literature is littered with competitive ideologies each trying but failing to offer a complete explanation of punishment. This chapter gives a brief introductory overview of prisons, the justification of prisons and introduces the research. Before the 18th century prisons were rarely used to keep people incarcerated for long periods. It was only in the 18th century that prisons started to be used as a punishment. Prisons have undergone changes from a place where people were kept with all kinds of luxuries and where corruption reigned supreme to prisons where people were not allowed to talk and spent the day working or praying in the mid 19th century. This is what the researcher terms the birth of the modern prison (Pratt 2002:87). By the beginning of the 20th century this thought was further modified to enable prisoners to communicate with each other with more emphasis on reforming the prisoner (Rothman, 1998:154).

Prisons justify their existence according to the prevailing ideas on what prisons should achieve. The major justifications being – incapacitation, deterrence, retribution, rehabilitation and just deserts. Incapacitation was probably the first justification of prison punishment, but in more modern times ideals of deterrence, retribution, rehabilitation and just deserts became prominent, often in combination. Plato (circa 525 BC), in 'Gorgias', comments through Socrates, on the deterrent and rehabilitative ideal of punishment:

> Now the proper office of all punishment is twofold: he who is rightly punished ought either to become better and profit by it [rehabilitation], or he ought to be made an example to his fellows, that they might see what he suffers, and fear to suffer the like, and become better [general deterrence].
>
> (quoted in Peters, 1998:5)

Incapacitation is successful as long as offenders are kept in prison, as prisoners will not commit further crimes in society once incarcerated. Justice is not served, however, by locking people for long periods of time when the probability of a person committing serious crimes drastically diminishes when offenders reach the age of thirty. The problem of incapacitation is that of false positives. The instruments used to predict recidivism are not accurate, although some variables point to the likelihood of a more probable chance of re-offending. This problem is further exaggerated when the crime committed is grave and rare (Von Hirsch, 1998:99).

While the criminal justice system deters some potential offenders it is also apparent that it has no effect on others. It deters only those offenders whose offending is purposeful and premised on a careful cost-benefit calculation. Most offending does not fall into this category (Walker, 1991:14). Retribution emerged from the Mosaic Law of 'an eye for an eye' but sheer literality in the crime-punishment equation often transforms itself into revenge. The role of the victim in deciding appropriate punishment is a new and problematic development (Cavadino and Dignan, 1998:354). Trying to rehabilitate offenders, so that once they are released they can be productive,

law-abiding citizens makes sense. However, the problem posed for this punitive ideal is that it is very difficult, if not impossible, to train for freedom in a place where no freedom exists (Morris and Rothman, 1998:X).

Although prison reform and the principle of sentencing have a long history (Mill, Bentham and the prison reformers such as John Howard and Elizabeth Fry), more contemporary interest looks at the use and development of imprisonment in relation to other social institutions and how prisons contributed to governance and social order (Morris and Rothman, 1998: IX). For the purpose of this thesis the word 'prison' will be used as a generic term meaning: a building that holds people captive by an order of a court of laws. The word 'modern' referring to prisons is used to refer to the creation of prisons 'organised around the principles of order and regularity' (Morris and Rothman, 1998:VII)

After a cursory look at the development of prisons mainly in Europe and in the United States, this research starts in 1850, covering a period of 100 years to 1951, looking at the prison history in Malta at two important points in its history. The year 1850 was important for Malta's prison because it was the year when the Corradino prison started functioning. This prison was built to reform prisoners on the Pentonville style. Another important point in Maltese prison history was the enactment of the 1931 prison regulations. These regulations resulted from the changes occurring in the 1920s during the Paterson era in England. These two defining moments are looked at, together with the 10th and 20th year after the enactment of the 'new' prison regulations.

In 1850 Malta had been under British rule for fifty years. In the early 1820s, work had already started on codification of the Criminal Code. Using the Neapolitan Code as a parting point, the British shaped the Criminal Code to mirror legislation found in England. The British wanted to keep as much power over Malta as possible. The Royal Commission Report of 1812 concluded that 'the Maltese temperament was incompatible with an ordered system of representative government' (Zammit, 1988:166). Conveniently forgotten in the report, but kept in mind when proposing the conclusions, were the days when the Maltese united against the French and managed to expel them from Malta. This gave London the necessary excuse to enact a colonial government. Sir Thomas Maitland was chosen as the first governor of Malta in 1813. He was to govern Malta with the assistance of an advisory council made up of Maltese and English men chosen by him. He was given directions from the colonial and war office to reform the laws of the Islands of Malta. In 1922, when Sir John Richardson visited Malta for health reasons, Maitland took this opportunity to entrust him with the codification of the Criminal Code (Debono, 1897). This culminated in the setting up of another Royal Commission for the revision of the laws in 1831. This commission failed primarily due to the members' hidden agenda. Members where divided into those who wanted the dominant language to be Italian and others who wanted it to be English, a perennial problem for centuries in Malta. The 1834 commission for the drafting of the criminal law was set

up under Sir Ignazio Bonavita. In 1836 work began on the press law. Freedom of press was finally granted in 1839, after a long dispute with the Archbishop (Bezzina, 1988:54). The fight between the Roman Catholic Church and the Protestant Church was also felt in the drafting of the Criminal Code. It was finally enacted in 1848, however it was only promulgated in 1854 by an order of the council.

Malta for the British was a colonial fortress. The British were slow to realise the strategic importance of Malta. When Nelson came to Malta, it is reported that he felt that it was 'a useless and enormous expense' (Lee, 1964:4). This attitude changed as Malta's strategic position in the centre of the Mediterranean was recognised. The imperial government did its best to secure its position on the island by stationing troops and fleets. During the Crimean War (1854-56) Malta's important position as a military base grew. British sentiments are excellently expressed in Joseph Chamberlain's speech to the House of Commons in 1902:'We hold Malta solely and entirely as a fortress essential to our position in the Mediterranean. Not as an ordinary colony but as a fortress' (Frendo, 1979:11).

The perception of Malta as a 'fortress colony' (Cassar, 1988:91) had an effect on the codification of laws and the prison regime. A critical feature was the fact that many soldiers and army personnel were being imprisoned in a prison system that was more comfortable and relaxed than the every day military regime. Military personnel would prefer to do time rather than to serve in the navy or the army. This, coupled with the new ideas that were emerging in Europe about the punishment of the soul and a wish to modernise the prison on the lines of other prisons in the empire led to the drastic change found in the Maltese prison in the 1850s.

The motivations to change the prison regulations in 1931 were different, but the British view of Malta as an island fortress persisted until after the second world war. With the Italian and German armies racing to get their military arsenal ready, it is no surprise that once again the British saw Malta as their Mediterranean base. Due to the close proximity of Malta to Sicily and the cordial Italo-Maltese relationship it is no wonder that the Imperial government showed concern. The 1930s were turbulent years for Maltese history. The action of the English colonial government, the political parties, the Catholic Church and the race to build strong arsenals between the Allies and the Axis, contributed to the suspension of the Maltese constitution in June 1930 and again in November 1933. Amidst this turmoil the 1931 prison regulations were passed. A brief look at the events of the time explains why the researcher chose to analyse the 1931 period.

In 1921 Malta was granted self-government and its constitution was enacted. At that time Malta had a three party system: the Strickland Constitutional party, the Labour party and the Nationalist party. For Count Gerald Strickland, Malta was British. The closer she stood to Britain the more she would gain. For example Strickland in 1899 declared 'We [the Maltese] should henceforth be as thoroughly Briton as possible in speech and in thought as well as in fact' (quoted

in Frendo, 1988:196). The Labour party had similar views about Malta and England, with Labour seeking Malta's integration with Britain until 1958. The Nationalist party opposed this thinking. In the beginning of the twentieth century, Enrico Mizzi (whose father, Fortunato, was the founder of the Nationalist Party) suggested an Italo-Maltese Federation (Frendo, 1988:199), not least because Italian was the language used by the learned in Malta prior to colonisation. As Frendo (1988:119) wrote: 'This philosophy was as much linguistic, cultural, as it was political, constitutionally and juridically'.

Imperial Malta against Italian Malta led to friction between the Strickland party, with the Labour party as its ally, and the Nationalist party. The colonial government supported Strickland, but the nobles, the professionals and the church supported the Nationalists. This situation was bound to come to a crisis. After the 1927 general elections the Strickland Constitutional party with the Labour party had the majority in parliament. In 1928 a monk of the order of St. Francis was found to have breached discipline in a grave matter. The abbot, after consultation with the head of the order in Sicily, decided to send the erring monk to a convent in Sicily to mend his ways. The constitutional government intervened ordering the police not to let the monk leave the island on the grounds that they could not let the Italians exile a Maltese from Malta. This caused a reaction from the church, as the government had no right to intervene in church internal matters. To make matters worse Strickland in 1929 permitted three Protestant ministers to have a conference at the government palace after numerous pro-Protestant slogans had been distributed. The Bishops of Malta and Gozo protested. This led the Vatican to send an apostolic nuncio to analyse the situation. The ecclesiastical authorities, the Strickland government and the colonial government approved Monsignor Pascal Robinson's visit. This report slammed the Strickland government concluding that Malta was under a regime of terror, the opposition was in crisis, the freedom of press was threatened, the impartiality of the Law Courts and justice was in danger, the constitution in jeopardy, the country on the brink of a revolt and the church and religion under overt attack (Ganado: 1974a: 410). After such a report the Pope, talking to some Maltese pilgrims stressed the position that the truth comes only from him and his bishops, and the obligation to listen to the bishops.

On May 1st 1930 the bishops wrote a pastoral letter stating that it was not their role to interfere in politics but that once political parties attacked them they had to act. They declared that all those who voted for the Strickland Constitutional Party or the Labour Party were making a venial sin. On the 3rd May Governor Du Cane proclaimed a state of emergency and suspended elections. The reason behind this was that as the church had condemned two of the three parties contesting the elections the people were not in a position to vote. The constitution remained suspended until May 1932, when a Royal Commission recommended that the constitution should be reactivated. In the meantime power was in the hands of the governor. Revolts and fights on the street characterised this period. Amid this turmoil the Strickland government was a puppet

government, with real power concentrated in the hands of the governor. It is ironic that during this hectic political and social period, with the threat of the German and the Italian militia on the move, the governor published a new set of prison regulations reflecting the prison developments in Britain some ten years previously.

The research data is presented in four chapters, two for each era. The first part of each segment depicts the prison building and the prisoners held in the prison, while the second part takes a look at the prison routine, the prison discipline, the prison diet, the work carried out and the workers in the prison. This is the micro level of the analysis, where the chaotic information dug from the archives is structured and given coherence and meaning. The data is analysed through a four-pronged theoretical framework, explained in the next chapter, which the researcher calls change in thinking, change in sensibilities, commitment to discipline and meeting needs of the state. Change in thinking refers to the change that occurred from deterrence and retribution to reform and rehabilitation. Change in sensibilities refers to the gradual social rejection to harsh and barbaric punishment such as flogging. Commitment to discipline refers to the need for government and the prison authorities to retain control over prisoners and maintain good order in prison. Finally meeting the needs of the state employs the Marxist idea that the prisons are nothing more than an institution devoted to control and train the working class. This represents the macro level of more theoretical understanding. The passage from the micro level of understanding to the macro level of understanding is done through three hypotheses at the mezo level of understanding.

The first hypothesis maintains that prison regulations changed from being aimed at deterrence and retribution to the punishment of the soul and rehabilitation. The second hypothesis suggests that prison practice moves from being cruel and austere to a softer mode of punishment i.e. it passed from physical to psychological punishment. The third hypothesis postulates that the prisoners' profile does not change significantly during the period under investigation, and that imprisonment is largely reserved to low-level offenders showing significant social disadvantage. All the research data was collected manually from the prison archives. The three hypotheses (regulations – practice – profiles) will be addressed through the data collected and assessed through the theoretical framework. In the conclusion, the two eras will be compared and contrasted leading to the acceptance or otherwise of the three hypotheses.

Chapter 2: Literature Review

This chapter constructs a theoretical framework through which the later findings are analysed. The research is historical, covering a hundred years, so various theoretical perspectives have to be taken into consideration. As Garland (1990:284) and Duff and Garland (1994:3) maintain punishment is influenced by the social, cultural, religious and political dimension of the time. Prison regimes are no different. They change according to time, place and culture. This chapter is divided into five parts. The first gives an overview of the development of the prisons from the ancient world to the 20th century. The other four parts deal with the theoretical framework of this research. The researcher has divided this part into four topics – change in thinking, change in sensibilities, commitment to discipline and meeting the needs of the state. By change in thinking the researcher refers to the rise of the social sciences and their influence on the treatment of prisoners. A change in thinking is also reflected by a change in the justification of punishment from reform to rehabilitation, and the functionalist approach. The next section deals with a change in sensibilities relying primarily on arguments posed by Garland (1990), Spierenburg (1984) and others regarding the change in society's feelings from spectacular public punishments (executions) to more modest penalties that take place behind closed doors. The third section deals with the commitment to discipline and the presumption that discipline will produce law-abiding citizens using authors such as Foucault (1977) and Ignatieff (1978). The final part is dedicated to the influence that the needs of the state have on punishment, including the Marxist perspective, the theories of Rusche and Kirchheimer (1939) and radical and conflict theories.

Historical development of the prison

The earliest forms of public punishment, documented in Western tradition are those that originated in the Greek city-states (Peters, 1998:4). The first mention of prison dates back to 2050 BC in Egypt. The Pharaohs had the duty to preserve public order. They had to punish persons who inflicted pain on others, usually through public beatings or imprisonment (Peters, 1998:8). The Bible gives some insight on prison life in ancient Egypt. It seems that there was no classification of prisoners and a person could be imprisoned for an indeterminate period of time on the whim of some royal official (e.g. the imprisonment of Joseph). Prisoners during this era were expected to perform hard labour (Peters, 1998:9). The Law of Hammurabi (1792-1750 BC), in Mesopotamia did not give prisons much prominence, but there is mention of imprisonment for debts, theft, bribery and rebellious slaves. The Assyrians (746-536 BC) imprisoned smugglers, thieves, deserters from royal service and tax evaders. The ancient Egyptians, Mesopotamians and Assyrians all imprisoned foreign captives; and they all had the provision of hard labour with imprisonment (Peters, 1998:9).

The Bible gives an idea of the system of punishment used before and during the life of Christ. Deuteronomy does not mention imprisonment as punishment, but in later times, especially during the times of the Kings, there are numerous examples of the use of prisons (1 Esdras 7:26, Jeremiah 20:2-3, and 4 Kings 17:4). The practice of imprisonment seems to have survived Jewish practice through the Acts of the Apostles (e.g. when Saul imprisoned a number of Christians in Acts of the Apostles 8:3 and 9:2).

What is known about the above cultures relies heavily on traditional legacies, but none of these civilisations seems to have addressed the problem of jurisprudence. In 451BC, the first written Roman law and the 'Twelve Tables' came into effect. Imprisonment could be used for debtors and the head of the family could have a cell (ergastulum) in his household used to discipline members of the household or slaves (Peters, 1998:12-14).

The early fourth century saw publication of the 'Theodosian Code' (320 AD). By this time prisons were divided into sections. There was at least an inner section were people sentenced for hideous crimes were kept. This part of the prison was dark and damp. Prisoners never saw the sunlight and were tightly chained to the walls. The outer section was more humane. Here prisoners enjoyed good health and exercise, although during the day they were loosely chained to the wall (Peters, 1998:19).

Accounts of prison life during the later part of the Roman Empire can be found in the Acts of the Apostles and the 'Acts of the Christian Martyrs' whilst the Justinian Code and Digest help in the understanding of the prison policy until the twelfth century. During the Dark Ages (5th to 12th Century), Europe was invaded by the barbaric tribes of the North. These tribes had few laws and kept the laws of the invaded countries. During this period, the church began to interest itself in the plight of prisoners, including emergence of the idea that penitentiaries could offer discipline and correction, and where mercy could lead to a sinner's redemption. The church did not condone death or torture in prisons.

The revival of the prisons in medieval times occurred through monasteries. Monasteries had a disciplinary cell, a revival of the Roman 'ergastulum', where abbots could imprison for disciplinary reasons. This type of imprisonment was usually used with other disciplinary methods such as fasting and flogging. During the 12th century, bishops were not only given the power to judge and imprison criminal members of the clergy but were also expected to have a prison. The eight and ninth century church also had some jurisdiction on lay people in matters pertaining to the most grievous 'criminal sins', such as incest and magic. For these crimes canon law prescribed imprisonment – 'carcer' (Peters 1998:27).

From the secular side between the sixth and the twelfth century, Europe saw the revival of the Latin Law being amalgamated with the laws used by the common people. The study of

legislation became of major importance during the end of this period. The building of the Tower of London in late twelfth century Anglo-Saxon England, was the first official state prison. Although the most common punishments were death, mutilation, exile or compensation, imprisonment was used for theft and witchcraft. From the twelfth century onwards there was an increase in both the number of prisons and of offences punishable by imprisonment in England (Peters, 1998:31).

Medieval prisons seemed to have been the places of unmentionable torture, although the commutation of the death penalty to life imprisonment was also apparent. The 13th century could be considered as the turning point in prison history. This period saw the development of an intermediate sanction (bondage) between the most severe punishments (the death penalty and flogging) and the minor punishments (banishment and fines). Prisons of the 16th century were 'industries' where prisoners were forced to perform 'hard labour', a form of bondage, in order to reform. The first town to establish hard labour as a sentence was London in 1555. However other Northern European towns were soon to follow. Work in prison was part of the regime as prisoners were supposed to be disciplined through forced labour. This type of punishment became very popular from 1700 onwards (Spierenburg, 1998:58).

At the beginning of the 17th century a new type of prisoner started to emerge. Uncontrollable people, through a petition from their family could be imprisoned. The aim of these prisons was to separate unruly individuals from the rest of the world (the roots for solitary confinement in 19th century prisons). The 18th century saw a shift in penal policy that resulted in the courts using the sanction of imprisonment more frequently (Spierenburg, 1998:66). Judges of 18th Century England had a variety of punishments at their disposal from fines and whipping for misdemeanours, to the gallows for serious crimes. Prison as punishment was rarely used. Prisoners were kept in prison either because they were awaiting trail or execution of their sentence. Theoretically there were two types of prisons – the jail, where felons, debtors and those awaiting trail were kept and the house of corrections where petty criminals were housed. However in reality this distinction was blurred (McGowen, 1998:72). Prisons during this period were used for debtors as well as criminals. Prisons were regulated like business enterprises. Jailers earned their living from what they could get from their prisoners, therefore they charged them for bedding, visitors' rights, selling beer and so on. The aim of jailers was that prisoners were happy, allowing them many liberties. Prisoners could do what they wanted as long as they did not escape. They were free to gamble, drink or work (McGowen, 1998:74).

The above description should not give the idea that prison reform in England only started in the last decade of the 18th century. With the ever rising crime rates, the revival of transportation to the colonies and the creation of hulks[1] not solving the prison overcrowding crises something had to be done. During the 18th century various regulations, such as those requiring jailers to publish a

[1] Hulks were non-seaworthy vessels used as prisons. Prisoners were forced to clean riverbeds and seaports.

schedule of fees, prohibiting the sale of alcohol and giving the power to local authorities to build regular jails were published. In 1775, the Duke of Richmond, rebuilt the Sussex county jail (Horsham). Prisoners had their own cells, with their own bedding and blankets. Equality in treatment was the order of the day. No fees were charged. Prisoners were washed periodically and were also given prison clothing. The place was built on arches to facilitate ventilation. A Chaplain was also kept in residence to deliver sermons and prayers. This type of prison was a far cry from its predecessors. It showed what could be done in an ordered institution (McGowen, 1998:78).

John Howard's appointment as sheriff of Bedfordshire, led to his interest in prisons. He travelled to Europe, where he found various prison examples. The Dutch prisons favourably impressed him. He was amazed with the cleanliness and silence that featured in the prisons. Therefore he wrote back to England, explaining that what they were looking for already existed. Howard's influence culminated in the Penitentiary Act of 1779, drawn by William Blackstone and William Eden. The central features of this act were solitary confinement, religious instruction and hard labour (McGowen, 1998:80). Warders were given a salary, with these expenses being recovered through prisoners' labour. The remaining profits where to be shared among the inmates. Prisoners were expected to wear uniforms. There was also to be a separate prison for men and women. In England and Wales, there were two waves of prison construction, one in 1790, where about 45 prisons were built and another in the 1820s. This era saw the country trying to keep a tighter control over society. Magistrates, who previously only played the role of figureheads in prison management, now started to take an active interest in prison administration, thereby curtailing the jailers' absolute powers. The Parliamentary Acts of 1782, 1784 and 1791 gave magistrates the powers to repair prisons, classify prisoners and gave a salary to the jailer (McGowen 1998:82).

The subsequent champion of prison reform in England was George Onesiphorus Paul. By 1785 he managed to get approval from parliament for the building of a prison in Blackburn. This prison opened in 1792. It had 400 beds and had cost £46,000. In this prison, the first third of the sentence was served in solitary confinement. Prisoners had the bare minimum daily necessities like clothing and food but they could not have money. Paul wanted to have better jailers than those found in the old prisons, preferably with a military background and honest. Moreover, the prison Director would be given the responsibility of record keeping, inspection and discipline. The Chaplain would be independent from the governor, therefore in cases of abuse he could report to higher authorities. The prison was also to be inspected monthly (McGowen, 1998:83).

The beginning of the 19th century saw reformers insisting that prisoners should have all the necessities for well-being except freedom, but others suggested that prisoners were leading too comfortable a life, a better life than they would have outside prisons. They wanted prisons to become places were offenders would not want to return. In 1823, the English parliament, with the

assistance of Sir Robert Peel, enacted the Gaol Act. The aim of this act was to introduce uniformity throughout the prisons of England and Wales. This act prohibited the use of liquor, required the presence of a Chaplain and a doctor, obliged the regular inspection of prisons and forced prisoners' education and classification. Prison administration remained in the hands of local governments, which meant that some prisons had an overabundance of warders whilst others had too few. Punishment was still a matter of chance (McGowen, 1998:89).

The 1830s saw a crisis in penal policy. The rising crime rates seemed to indicate that nothing was working. William Crawford, a member of the Society for the Improvement of Prison Discipline was struck by two American systems, called the silent (Auburn) and the separate (Pennsylvania) system, publishing a report to this effect in 1834. In the silent system prisoners worked side by side, but were forbidden from communicating in any manner with each other. A person infringing this rule would be punished at the discretion of the governor. The separate system relied on architectural planning to separate prisoners. Each prisoner had his/her cell. Prisoners would work in silence in their cells. They could not see the outside world or other prisoners working in their cells. Prisoners would spend the day working and listening to prayers or sermons. The advocates of the separate system saw the silent system as being a half measure.

The big day came for the separatists with the building of the Pentonville prison in 1842. Pentonville was considered to be the model prison and an important benchmark in the civilization of punishment (Pratt, 2002:35). The light, cleanliness and absolute silence were aimed at reforming prisoners and at the same time portraying the absolute power of the prison authorities (Barrett and Harison, 1999:315). This model became the blueprint to be followed in many prisons including Malta. This prison had a capacity of 520 inmates separated in four wings, with single cells around a central-room. The thick walls stopped any communication between prisoners. Guards walked with padded shoes, so as not to disturb inmates. They were also forbidden from talking to prisoners. The former through a timed patrol system controlled the latter. Cells were identical – 13 feet deep, seven feet wide and nine feet high. Prisoners wore hoods when out of their cells and numbers replaced their names. In America the prison regime was military in nature, with prisoners vacating their cells at the sound of a gong, marching to their destination looking to the right, so that guards could ensure that they did not communicate whilst performing their task and then marching back to their cells (Rothman, 1998:110).

The separate system of the 1840s started facing serious administrative problems by the 1850s. The major problem was that prisoners were not passive receivers of discipline, the penitentiary was not meeting reformative ideals, and perfect silence was difficult to secure (Priestley, 1999:197). Major Joshua Jebb, chairman and Director of Convict Prisons, was never a fanatical supporter; his major concern was finding an alternative to hulks and transportation. He devised a three-stage progressive system of imprisonment inspired by the Pentonville experiment.

During the first stage, prisoners were kept in solitary confinement for an 18-month period, later amended to nine months, due to the mental health of prisoners. The second stage consisted of hard labour where inmates worked alongside each other. The third and final stage was a conditional release based on good conduct. This meant that prisoners could leave prison and find work, but if their behaviour would not be up to standard, the ticket of leave would be revoked consequently having to serve the rest of their sentence, often in harsher conditions (McConville, 1998:123; McGowen, 1998:95; Priestley, 1999:194). The prisons debate continued during the second half of the 19th century. Reformers and society wanting harsher penalties with prison officials, being more realistic, resisting them. Many doubted the ability of prisons to reform, some hoped that they could deter, while others maintained that society needed them (McGowen, 1998:95). Penal policy between 1780 and 1865 established prisons as an institution separated from the rest of society. Prison life became private.

Between 1865 and 1965 the evolution of prisons in Europe is markedly similar for all European states (O'Brien, 1998:178). Most prisons had a system of labour, through which prisoners produced products for prisoners' needs. Such products would include prison uniforms, shoes, bread and so on. However other prisons produced goods for the external market. Prisons were like factories where inmates would work for about 11 hours per day for a nominal fee. Work was believed to make moral citizens of prisoners and to prepare them for their reintegration into society (O'Brien, 1998:183).

Mid 19th century England had two types of prisons. The first and oldest one consisted of the jail and the house of correction, known during this period as the local prison. These served as a place to hold remand prisoners, debtors, persons awaiting the death penalty, and offenders having to serve less than two years in prison. The second system was the convict system, a system used for offenders sentenced to more than two years of imprisonment. Prisoners during this era faced harsh but short sentences. The Carnarvon Committee required prisoners to perform hard labour – 'labour that quickened the breath and opened the pores' (McConville, 1889: 132, Priestley, 1999:25). The Prison Act 1865 listed the treadwheel[2], the crank[3] and the capstan[4], as approved machinery to enforce forced labour and punish misbehaviour. Prisoners were also put on a starvation diet (Priestley, 1999:128). Prisoners could better their plight by gaining points for good behaviour, but one could not gain such benefits before 28 days of incarceration. As most prisoners had much shorter sentences this respite was useless (McConville, 1998:133). Ironically prisoners sentenced to short sentences with hard labour usually ended up doing this type of work, whilst

[2] The treadwheel consisted of a giant wheel with steps, where prisoners had to make the wheel move through climbing the steps. The most obvious use of the treadwheel was to pump water from cisterns to various parts of the prison.
[3] The crank was a revolving disk, with a shaft in its centre and at right angles to it, turned by prisoners as punishment. Its use was for grinding, however it was often left without anything to grind and just used for punishment.
[4] The capstan was a revolving barrel, worked by men walking around it and pushing horizontal leavers.

those condemned to penal servitude usually worked outside the prison walls at what was called 'public works'. This included reclamation of land, the laying out of roads and harbours (Priestley, 1999:131).

Twentieth century England inherited the English prisons of the 19th century. After World War II, there was an increase in criminality, with the prison population rising from 11,000 in 1927 to 15,000 in 1945 to 42,000 in 1978. This overcrowding led to prisoners being kept in inhumane conditions. Victorian prisons were inadequate for the needs of so many prisoners. To make matters worse, prison policy makers abandoned Victorian segregation principles. This resulted in the free movement of prisoners, with the consequence of riots, some of which ended in the death of prisoners or guards. In the Prevention of Crime Act, 1908 the protection of society was given precedence over deterrence, reform or retribution. Recidivists were likely to be given an extra five years of preventive custody. This state of events continued until 1910, when Winston Churchill became Home Secretary (McConville, 1998:140).

The Gladstone Committee (1894-95) discovered that most offenders were between 15 and 25 years of age. This generated ideas for reformatories for youths – later called Borstals – the name of the village that first tried this scheme. The salient features of these reformatories were that youths (aged 16 to 21) were given indeterminate sentences of not longer than three years. There was also the possibility of transferring staff from the Borstal to adult prisons. Where it was hoped, that humane and progressive ideas from the former would be incorporated in the latter. This was the beginning of the Progressive movement, with reformers relying heavily on the emerging social sciences to ameliorate the prison conditions (Rotman, 1998:158). Garland (1985) compares Victorian prisons to a system where punishment was solely based on the crime. A regime that used uniform punishment, putting the onus of reform on the individual. In this system no knowledge was required about the personal differences (individualism). Conversely 20th century prisons saw an increase in welfare. The focus being put on the prisoners' needs (individualizations). The onus of reform was now placed on the prison regime.

The vision of the prison in the 20th century was not one where prisoners were locked up and forgotten. Some prisons were viewed as places where offenders were prepared for the outside world. The two most famous prison examples are the Mutual Welfare League of Thomas Mott Osborne and the Norfolk Prison Colony originated by Howard Gill. Osborne's idea originated in 1913, where he tried to instil the idea of self-government and self-support in the adult prison of Auburn. Discipline at Auburn was entrusted in the hands of 49 prisoners, elected by secret ballot, out of a prison population of 1,400. Howard Gill wanted to reform prisoners through individualised treatment based on psycho-social classification, in an atmosphere that was as similar as possible to the outside world. Gill's experiment had many problems the worst being the clash

between social workers and prison guards (Rotman, 1998:162). Social science and social welfare were increasingly promoted.

After the atrocities of the Second World War, the world became aware of what degrading punishment could do. France was one of the first countries to change its penal system. In May 1945, the Commission for the Reform of French Penitentiaries 'endorsed the humane treatment and betterment of prisoners through general and professional instruction' (195). In 1955, the United Nations passed the 'Minimum Rules for the Treatment of Prisoners'. The idea of humane treatment of prisoners continued to flourish in the whole of Europe (O'Brien, 1998:196).

Change in thinking

Control in the 19th century and rehabilitation in the 20th century were two of the primary movers of prison development (O'Brien 1998) but a shift of complex philosophical thinking was also apparent. Punishment has been justified by the appeal and utility of deterrence, retribution, incapacitation, rehabilitation and just deserts. Deterrence is a utilitarian perspective (Walker, 1991:13) based on the notion that people will not act in an undesirable manner in order to avoid painful consequences associated with those actions. Harsh prison sentences are seen as deterring both the individual offenders (specific deterrence) as well as other would-be offenders (general deterrence). Sollum Emlyn, an 18th century English lawyer maintained that deterrence through the use of capital punishment was important in educating people on acceptable and non-acceptable behaviour. Fitzjames Stephen, a Victorian, English judge defined punishment as follows:

> Great part of the general detestation of crime which happily prevails among the decent part of the community in all civilised countries arises from the fact that the commission of offences is associated in all such communities with the solemn and deliberate infliction of punishment whenever crime is proved … I think it highly desirable that criminals should be hated, that the punishment inflicted upon them should be so contrived as to give expression to that hatred and to justify it.
>
> (Quoted in Walker, 1991:22)

The problem of deterrence is that it presumes offending behaviour is the product of a pre-crime cost-benefit calculation on the part of the would-be offender but most criminality does not fall into this category. Durkheim (1893) goes a step further in attributing the function of punishment not as just deterrence but as a means of uniting society, and about how society's morals influence punishment and the development of prison regimes (Garland, 1991:28). Durkheim's idea of punishment revolved around the idea of the 'collective conscience'. For him analysing the actions leading to punishment would give an idea of society's values and the moral life of the community. All societies have social solidarity – a system by which all the members of the community share the same morality and social cohesion. These are formed through the social structures that are prevalent at the time. This idea helped Durkheim develop his theory of punishment. He argued that the division of labour, in the industrial revolution (in Britain c.1760s-

1850, Richards, 1982:192) had already helped in shaping society's morals. He associated values such as freedom, rationality and tolerance with this. In 'The Division of Labour' (1893) he goes into an extensive discussion on the development of punishment vis-à-vis the evolution of society from organic solidarity to mechanical solidarity. Punishment reflected a strong bond of solidarity from which arose sanctions for those who breached the social bonds. These prohibitions are not made in a rational manner – rather they are the result of society's conscience collective. Criminal acts break the norms of the *conscience collective* therefore a sanction has to follow to equilibrate or balance the outrage felt by the rest of society. When one violated the social norms, society's passions are aroused and vengeance would be the primary motivator for punishment. In modern society, punishment has been removed from the victim's hands, therefore for vengeance one has to look as justice, which has resumed a utilitarian principle. Durkheim maintains that is just a cover. Vengeance remains the primary mover that has been clothed in rehabilitative and reformative principles. Another effect of the outcry aroused by crime is that it brings together all the law-abiding citizens to denounce crime and at the same time to affirm their commitment to the laws.

Durkheim continued by maintaining that punishment changes as society evolves: simple societies are more punitive, while severity and intensity tend to diminish the more society advances. Simple societies are more preoccupied with following rules and any breaking of the rules is severely frowned upon. Durkheim was writing in the beginning of the 20th Century, but his writing can be equally applied to-day. If one looks at some of the crimes which would earn a prison sentence in 1850 e.g. blasphemy and begging, and than look at the same crimes a hundred and fifty year later one would see a change in punishment. Even if one has to look at the most horrifying crime i.e. murder, one sees a change in punishment with the death penalty being replaced by life sentences with the possibility of parole in most Western countries. It is true that the collective sentiments undergo a change, becoming more lenient and less religion oriented as society evolves. This evolution is by no means linear and a society can go back in its evolution especially if there is a change in government to dictatorship or absolute monarchy. Durkheim argued that absolute rulers have a certain aura and charisma which leads to a quasi-religious state. Durkheim effectively links democracy to leniency in punishment and dictatorship to severity (Garland, 1991:40). He sees the prison as an evolution of punishment from the severity of the capital punishment and torture to a more humane punishment. This evolution is also a result of the development of government bureaucracy, the military and architecture.

In his essay Moral Education (1902-3, cited in Garland, 1985) Durkheim addressed the effects of punishment on morality. Punishment cannot create morality but it defends and protects what is already there. Once there, punishment defends morality by preventing discipline from losing its necessary authority by letting violations go unpunished. That is why individuals who violate the law have to be punished, be they in the classroom or in the courts. Durkheim does not

believe in punishment as a means of deterrence. He says that the fear of punishment has never stopped anyone from committing crime. Pain is an undesirable consequence of punishment, but this should be kept at a minimum, so as not to undermine the message in punishment. Offenders lack a fine moral conscience therefore punishment has to be used sparingly as there would be the risk that the little shame that they feel in being punished would be destroyed. If this happened the effectiveness of punishment on these individuals would stop. Here Durkheim almost echoes Bentham's utilitarian principles and, although he does not believe in deterrence, he shows the effect of punishment on utilitarian principles (Walker, 1991:22).

Both Bentham and Durkheim would have been against retribution as one would have seen it as a waste of resources and the other as not uniting society. Retribution philosophy gets its ideas from the Old Testament phrase 'an eye for an eye and tooth for a tooth'. This principle is premised on vengeance. Although this idea is not predominant in modern Western penology the existence of the death penalty in cases of homicide is an example of retributive philosophy. Although 'taliontic' punishments are gradually disappearing the courts still have to maintain proportionality while sentencing (Walker, 1991:69). Both deterrence and retribution existed prior to the social sciences, the philosophical idea behind both justifications of punishment being free will.

With the birth of the social sciences the concept of free will becomes modified. Criminals were no longer seen as free to choose between right and wrong. More emphasis started being laid on biological, psychological, social or economic factors as the cause of maladaptive behaviour. Numerous scientists (Quetelet, 1842; Lombroso, 1876 cited in Adler, Mueller and Laufer, 1995; Ferri, 1878; and Garofalo, 1914 to mention a few) started investigating the causes of crime. This led to a change in thinking and a change in the treatment of prisoners. Society first turned to medicine to find the solution for the crime problem. Criminals were seen as sick, therefore in need of treatment. By the end of the second decade of the 20th century, 67 prisons had in their employ psychiatrists, while 45 had employed psychologists, however these were still few when compared to the number of prisoners (Rotman, 1998:159). As the emphasis was on diagnoses and cure, prisoners' classification was of the utmost importance. As criminality was an illness prison sentences should be of indeterminate length. Prisoners would only be released when officials were convinced of their cure, just like doctors discharge patients once cured. It was due to this reason that this era was dominated by extremely broad discretionary sentencing powers. This led to a variation in the justification of punishment to incapacitation, rehabilitation/reform and the more modern concept of just deserts. Incapacitation refers to rendering the offender incapable of re-offending. Long or indeterminate sentences where the offender would be released on being judged as not posing a problem to society are examples of such sentences. The rehabilitative ideal presupposed that sentences were imposed with the aim of treating the offender. Once offenders receive treatment then they are once again released in society with an increase capacity for law abiding behaviour (Walker, 1991:42).

The idea of the humane treatment of prisoners continued to grow in Europe during the post war years. The Social Defence movement was one of the primary pushers for this. They saw the prisons as treatment centres, with their importance declining as science advanced and treatment improved. Critics of this movement feared that social scientists would be placed over judges, and that their word would be the deciding factor when punishment was issued. They were particularly against indeterminate sentences, because they saw them as an unjust and cruel form of punishment (O'Brien, 1998:196). In 1976, von Hirsh (cited in Walker, 1991:9), wrote about doing justice or 'just desserts' i.e. sentencing the offender according to the harm done as the fulcrum of punishment, concurrently taking into consideration the offender's needs.

Change in sensibilities

The development of the penitentiary reflected a change in thinking and movement towards more humane punishment, in part derived from emerging social science but there were also socio-cultural developments. Death, in the 18th century, no longer remained a public exhibition to be viewed by servants and strangers it became a private intimate affair to be witnessed only by the intimate few. This change in social attitude influenced the execution of the capital punishment as a spectacle. Capital punishment was moved from the streets to the privacy of a prison between 1850-1870. The only exception being France, where public executions continued until the beginning of the Second World War. The second major change that occurred was in the treatment of the body. Social movements started evolving, condemning the use of violence and cruelty. In the early 19th century the middle class bourgeoisie were becoming increasingly disgusted with the brutality of punishment (Pratt, 2002:17). They were ready to speak out against brutal punishment, insisting for a change to lesson the suffering of those less fortunate then themselves (Pratt, 2002:19). Furthermore, criminals were being seen as having escaped family discipline, therefore there was a need for a private place where patriarchal discipline could be re-established (Spierenburg, 1998:47). This led to an increase in the use of imprisonment in the late 18th century.

Besides the physical environment of the prison of the 18th century Britain another rising concern was the philosophical reason of punishment. According to McGowen 'the plight of prisoners was described in the most heartrending terms. They were trapped in prisons, victims of diseases, hunger and jailers' greed' (1998:77). These worries were reflected in the Acts of the English parliament (1773 and 1774) whereby parliament, gave the power to magistrates to employ Chaplains and select surgeons for prisons. This period saw a change in mentality, from punishment as spectacle to punishment tempered by gentleness. Solitary confinement was favoured because through meditation on the abhorrent activities committed, prisoners would reform. Punishment was seen as being inflicted on the soul, in preparation of the life to come.

It was Bentham who first coined the term 'sensibility' (Walker, 1991:99). He uses the term to define the perception of pain felt by an individual this being dependent on the offender's

age, gender, social class and so on. Bentham's reference to sensibility is focused on the individual that is how the punishment will affect the person when considering the person's social status. In this research the term sensibilities will be used as a social perception. This is in line with the use of the term by other theorists (Elias, 1939; Spierenburg, 1984, 1998; Beattie, 1984; Pratt 2002:9) that used it to argue that a change in culture is the factor that brings about a change in society's behaviour that is also reflected in punishment. This difference is what brings about society's demands for a change in punishment as people will no longer be willing to view certain actions, which they deem barbaric.

Spierenburg, (1984, cited in Garland, 1991:228) explained how changes in society reflect changes in crime. Changes in the people's sensibilities had led to a change in execution practice and the abolition of the pillory as well as other forms of spectacular punishment. People in western society think that spectacular punishment is barbaric and out of place in a civilised society. People like Beccaria and Bentham wrote about a barbaric punishment system not up to standard with the civilised society that they lived in. Elias's work (1939), on the process of civilisation gives an account of the change that has occurred in the behaviour of society while analysing the underlying social and psychological structural changes. An important concept that Elias discusses is the development of privatisation, whereby certain aspects of life became hidden from the public sphere. Violence, bodily functions, illnesses, suffering and sex all became hidden actions to be kept out of sight or in the private domain of family life. With this evolution, houses started to have private bathrooms and bedrooms and there was the construction of prison cells and hospital wards. This was a move towards suppressing the animal found within human beings. The first process is to teach people that certain behaviours are shocking and distasteful and they should be avoided when in company of their betters. This soon becomes totally abhorrent to everyone and the action is only done in private (Elias, 1939: 276). Elias was not arguing that the present was better than the past, simply documenting the increasing importance of the private sphere over the public sphere. Taking a brief look at the evolution of punishment one sees that gradually the distasteful has been hidden from society. Public executions and punishment were transferred behind closed doors. By the 19th century physically hurting offenders became repugnant and imprisonment came to the fore while in the beginning of the 20th century punishment became a shameful activity to be executed by professionals. Imprisonment became a private affair (Garland, 1991:224). Elias (1939) maintains that the evolution of civilization can find barriers, in the form of social upheavals, which can make society de-evolve. However such barriers will never result in a set-back that would throw back society to an unrecognisable historical period. This is the result of bureaucracy intervening to stop such a calamity. Pratt (2000:422) reiterates that when society uses spectacular punishment it is either slow in catching up with the civilization process or there has been a de-civilizing aspect in it's the evolution.

Spierenburg (1984) takes Elias's ideas about sensibilities and applies them to the disappearance of public executions. He agreed with other writers that public displays ceased to be necessary to maintain public order but he wrote that this was due to a change in people's sensibilities (Garland, 1991:225). Spierenburg (1984:184) maintained that it was the upper class or the elite members of society who first started to abhor public displays of violence in the 18th century. They looked at the lower classes as inferior due to their lack of refinement at enjoying public violence. It was only later that the general public adopted the sensibilities of the more civilised members of society. Spierenburg continued his treatise by analysing the movement of punishment from the public sphere to the private sphere. In the beginning of the 17th century the decline in the use of torture was followed by the removal of the permanent scaffolds. In the 18th century the exposition of corpse after execution was abolished. Spierenburg's work is important because it gives another reason for punishment. It is not only as Foucault and others, discussed below, maintain that punishment has a political motivation but there are also psychological and cultural forces at play (Garland, 1991:228).

Changing sensibilities are not subject to scientific calculus on an absolute scale, and there is a need to make sure that there is a real change in feeling as sentiment rather than a change in political agenda. Observing the punishments available in the 17th and 18th century (whippings, severe mutilation, public executions and so on) it is apparent that there was a heavy reliance on grim spectacle to teach the public a lesson. The public's approval of these punishments is apparent from the lack of riots from the crowds. People seemed not to mind seeing the suffering of others (Garland, 1991:220). Beattie (1984:42) maintained that this toleration and acceptance could have been shaped by physical violence in the home, in the work place and in society in general. One does find accounts in court where wife beating was condoned. According to Garland (1990:232) most historians agree that there has been a shift in the way people think from accepting violence to its condemnation in present day society. These changes can be seen from changes in the laws and the actions of the criminal justice system. Vanstone, (2001:30) hints at changes in public sentiments bringing about changes in the law but he also shows how moral panics could result in a harsher criminal justice system. He maintains that it is not only the 'benign political and social climate' that makes the criminal justice system more lenient but also the fact that the elite does not feel endangered by the actions of the poor (Vanstone, 2001:239). While changing sensibilities could have helped in the development of the modern prison, other thoughts have influenced the change in the treatment of prisoners. One of the ideas behind the development of prisons was to produce law abiding and hard working citizens. This led to the development of work in prison.

Commitment to discipline

The idea of reform through work evolved in the 19th century. With the event of the reformation and the counter reformation the idea of imprisonment with forced labour began to

change, as moral principles became more important. Prisons tried to correct 'evil conduct', 'laziness' and 'disreputable behaviour' (Spierenburg, 1998:58) rather than the actual crime. Victorian prisoners were divided into classes: men, women, children, those awaiting trial, those convicted of criminal offences, debtors and those awaiting the death sentence. Criminals were further divided into categories both with regards to the times that they where sentenced and to the length of the sentence. The day in prison was organised to the last detail (Priestley, 1999:194). Discipline was the most important aspect of prison life. Foucault, gives an example from the house of young prisoners in Paris. The rules give details on how prisoners were supposed to act:

> …Art.18 Rising. At the first drum-roll, the prisoners must rise and dress in silence, as the supervisor opens the cell doors. At the second drum-roll, they must make their beds. At the third, they must line up and proceed to the chapel for morning prayer. There is a five-minute interval between each drum-roll….
>
> (Foucault, 1977:6)

The prisoners' existence was fully time-controlled. Even the prison sentence segmented into stages. During the first stage, that usually lasted nine months, prisoners were not allowed to speak to anyone. They worked, ate and slept in isolation. The second part of the sentence was spent working in association, although prisoners still ate and slept alone. Silence reigned in the prisons of the 19th century. Prisoners where not allowed to speak or to communicate with each other by any means (Priestley, 1999:194-197). This was a very difficult rule to observe and maintain. The authorities despaired in ever achieving perfect silence. The emphasis was on moral development not on criminal behaviour, hence the criminalisation of actions considered to be immoral such as vagrancy and begging as these were considered the actions of lazy persons. Laziness or idleness was considered to be the cause of most crimes. Work in prison was used to teach. It was compulsory, as was payment for the work. Work had three aims – teaching individuals a trade, not allowing laziness and allowing prisoners to earn money that would help them settle into a new life once they left prison. To these element another was added – isolation (Foucault, 1977:122). Prisoners were isolated, subject to observation and not allowed any form of communication. They were subject to information and orders but they could not discuss them. This would stop any danger of revolts in prison. Bentham wrote that carceral power had two key elements – the visible and the unverifiable. Inmates were visible 24 hours a day from the central tower but they did not know if they were being observed (unverifiable) (Foucault, 1977:201). The panopticon was the perfect apparatus of punishment because is allowed few people to control a great number of individuals. It allowed warders to intervene when necessary and through architectural means it allowed the power of the few to prevail over that of the masses (Foucault, 1977:206).

Work in 19th century prisons was also aimed at making programmed bodies of the prisoners. Through repetitive work the prisoner's body became part of a well-oiled machine. This was not only a characteristic of the prison labour but was also found in the army and in schools. If

prisoners worked they could earn their own keep and be less of a burden on the state (Foucault, 1977:165). To have such discipline there had to be a rigid system of command, so that any order that was not obeyed was punished. Discipline was based on punishment and on the awarding of privileges for good behaviour (Foucault, 1977:181). Both punishment and rewards were given to control the inmates' behaviour. Rituals were also important because of the 'ceremony of power' (Foucault, 1977:184). According to Foucault (1977:190), discipline and classification are interrelated. Classification objectified prisoners enabling them to be dealt with as cases rather than treated as individuals. The place one occupied in classification would influence discipline. This was not only true for inmates but also for prison warders (Foucault, 1977:145).

According to Foucault (1977:170) 'discipline makes individuals'. The existence of discipline presupposes that there is a mechanism in place that forces people to obey. Foucault assumed that this discipline existed in the form of the panopticon where people were observed without knowing. He linked this to the army with soldiers being under observation all the time. Even the building of prisons was done in a manner to permit observation. Thick walls separated the cells from each other and from the outside world. The prisons 'secreted a machinery of control that functioned like a microscope of conduct; the fine, analytical divisions that they created formed around men an apparatus of observation, recording and training' (Foucault, 1977:173). Although hierarchies and continual observation were not created in the 18th century it was in this era that it became integrated with the economy to produce men ready for the labour market.

Foucault's (1977:93) idea of punishment is utilitarian. He believed that one should punish enough to prevent the offender and others from committing the crime. He did not take into consideration the cultural and psychological component of punishment. Foucault sets out to explain the transition between spectacular punishment to that taking place in prisons where everything is planned and measured. For Foucault (1977:57) public executions were important because they showed the power of the sovereign over the population. It was a method of keeping the unruly members under control. Public executions gave way to private executions because sometime the crowd would take the side of the condemned and they could actually prevent an execution from taking place. This could lead to revolts and therefore endanger the position of the ruler. Another factor influencing punishment was the lowering of violent crime rates (Foucault, 1977:76). According to Foucault, the diminishing of violent crimes occurred before the states made punishment less severe. Before a lowering of punishment severity the development in the economy had enabled a rise in the standard of living, people were moving out of the villages and they demanded higher security due to an increase in wealth. This was the reason why crimes such as stealing carried severe punishment in the 19th century. The state was trying to discipline the unruly population while protecting the interests and wealth of the elite.

Foucault described prisons as 'cellular', 'organic', 'genetic' and 'combinatory' (1977:167). He referred to prison architecture as cellular, where every prisoner was visible to the warders. This was a kind of panopticon prison built on Bentham's model where offenders where covertly observed. As Foucault wrote 'The perfect disciplinary apparatus would make it possible for a single gaze to see everything constantly' (Foucault, 1977:173). The Panopticon prison reversed the aims of the dungeon, which were to shut prisoners in darkness and hide them from everyone. Contrary to this the panopticon prison was only used to enclose people. These were visible to the warders at all time and there was ample light. Light was used to control prisoners. This was better than darkness, which could be used as a means to hide illicit activities. Prisoners were controlled at all times, they were continually observed, but could not observe or communicate with each other. The inmates were continually visible and conscious that they were being observed, but they had no way of verifying if this was so as they could not see the inside of the observation tower (Foucault, 1977:200).

By 'organic' Foucault referred to the time schedule of activities. These where inherited from the monastic communities. Time-tables where important because they 'established rhythms, imposed particular occupations, [and] regulated the cycles of activities' (Foucault, 1977:149) The prison was also genetic in the sense that orders were used to guarantee the required behaviour, with no explanation being necessary. Orders were hierarchical in nature and never questioned. The prison was also a place where tactics were used to control prisoners (combinatory). Orders were and are used in a hierarchical structure, with officers ordering their subordinate warders and warders giving orders to prisoners. Foucault described the chief warders and their subordinates as 'technicians of behaviour: engineers of conduct, orthopaedists of individuality. Their task was to produce bodies that were both docile and capable…' (1977:294).

Ignatieff (1978:210) like Foucault sees the birth of the modern prison as a result of the change that society underwent in the 19th century. He maintained that the breakdown of social norms, the movement of people from the rural areas to the urban areas and a more affluent society all contributed to the changes in the penitentiary. The new criminal justice system emerged from attacks on the existent social order and its tolerance towards disorder. The ruling class could no longer continue to rely on the terror produced by the public display of punishment to control the poor but had to transform this into respect and consent through which the wrongdoers had to be controlled and disciplined. Ignatieff specifically explains how different reformers influenced the prison regimes. The Quaker and the Evangelical movements were responsible for the changes that occurred in prison. Different people influenced by these movements were influential in changing different elements of prison life such as sanitation (Fothergill cited in Ignatieff, 1978:59), religious instruction (Howard cited in Ignatieff, 1978:58), food and clothing (Howard, Eden and Blackstone cited in Ignatieff, 1978:93). Some were also instrumental in ending the maltreatment of prisoners (Elizabeth Fry cited in Ignatieff, 1978:143). Ignatieff (1978:210) maintained that to explain why

the prison remained in place, although it received criticism for the harsh treatment of prisoners, one has to look at social order. Prisons continued to exist because the prison reformers convinced others, of the same socio-economic background, of the connection of crime to the socio-economic changes of the time. Reformers connected the rising crime rates to the changes that occurred after the industrial revolution. There was therefore a need to control and bring equilibrium back to the masses.

Stanley Cohen (1979:399) also tried to explain the survival of the penitentiary despite more than a century of documented failure to produce reformed citizens and/or a drop in crime rates. He maintains that while at the end of the 18th century, prisons were used as a last resort, the 19th century saw a change where prisons were the first choice of punishment. Prisons have boundaries. They clearly show those who are in and those who are outside prison i.e. they mark the normal person from the deviant. The prison does not only segregate the deviant but there is a 'ritual of physical exclusion' (Cohen, 1979:407). These places have served as a means of victimising a sector of society through degradation and blaming. The new non-custodial alternatives are not much better. Dispersed punishment in the community appears to be a liberal development, but the reality is the re-enactment of the pillory. Law-abiding citizens witness offenders attending programmes that usually emphasise the discipline of work, the need for conformity and the shame of transgression (Cohen, 1979:410). The pillory, non-custodial options like community service and electronic tagging have much in common – they isolate, discipline and reform a segment of society.

Meeting the needs of the state

Prisons were originally intended to house the poor, unskilled, uneducated population in need of moral guidance. In the 19th century middle class citizens were afraid that the loitering of young people in the streets would bring about riots of political unrest. In the aftermath of the French Revolution such worries were not unfounded. Prisons were therefore entrusted with the duty of keeping things under control. Almost half of the prison population in Europe consisted of males between the ages of 21 and 30. Most of the prison population was unskilled and usually unemployed before being committed to prison. The female prisoners, making up only about 12% of the total prison population, had similar characteristics. Prison guards had similar social backgrounds and educational achievements as the prisoners (O'Brien, 1998:180). This description of the prisoner seems to point to discrimination against a sector of society. Foucault's (1977) theory goes a long way in explaining prison discipline, and the repetitiveness of the prison regime to produce 'docile bodies', in the Victorian era. His theory fits less comfortable with the prisons of the 20th century. By abandoning Victorian segregation principles and modifying the prison regime, the treatment of prisoners was modified therefore other theoretical perspectives needed to be addressed. Rusche and Kirchmeiner (1933), both Marxist theorists justify the use of the prison as a training ground for the workforce.

Marx's philosophical arguments were born after the industrial revolution – a period of profound social change (Vold and Bernard, 1986:300). His theory is based on the economic means of production. Marx (1904:11-13) maintains that the 'material forces of production', such as skills and technology, evolve on a linear level however the 'social relations of production' are static for long periods of time. At first the social relations improve the material products but later they start to stop development and a revolution would ensue, resulting in a new social order. Marx explained how capitalism would continue to grow with those with the most money taking over, until money was in the hands of the few. This state of affairs will continue until the labourers (proletariat) would form a massive part of society, whilst the bourgeoisie will become fewer and fewer. At the end the working class would revolt bringing about a new state. Marx saw crime as a consequence of demoralisation (Hirst, 1975:215-221). Marx argued that in every person there is the desire to work. Some are unemployed and therefore demoralised. It is because they are unproductive that they become criminals. Marx did not believe in the social contract, where all the members of society have consented to the laws. He wrote that the unequal distribution of wealth produced an unequal distribution of power. The poor did not have the means to influence the decisions of the powerful. The powerful will enact laws to protect their interests while the poor break the laws because they are fighting against the unjust social conditions (Marx, 1867: 365). Bonger (1916:11) argued that capitalism encouraged greed and selfishness. It rewarded the rich with more wealth, while it punished the poor for their greed by punishing their actions.

Rusche and Kirchmeiner (1939) argued that to look at punishment as a consequence of crime is to take a reductionist view of the phenomenon:

> Punishment is neither a simple consequence of crime, nor the reverse side of crime, nor a mere means which is determined by the end to be achieved. Punishment must be understood as a social phenomenon freed from both its juristic concept and its social ends.
>
> (Rusche and Kirchheimer, 1939:5)

The penal institution is one of the key institutions playing a part in controlling people. Therefore there are laws against vagrancy and begging. Laws aimed entirely against the poor. Almost all of the criminal courts' work were and are directed against the poor, those with low education and lower class citizens. Once prosecuted they are punished through a system that resembles the factory, where production and work are given the utmost importance. The prison is a system where the fight between the proletariat and the bourgeoisie continues.

Hay (1975, cited in Garland, 1991:203) shows how status and community standing were considered a justifiable method of discrimination in the treatment of prisoners. The prison, as an institution, portrays an image of an institution that benefits society, justifying its existence to gain society's support. However, taking away the covering one realises that the prison serves the interests of the dominant classes. Rusche and Kirchheimer (1939:58) state that analysing punishment, from a historical perspective will show that when labourers are easily found, as was

the case in the Middle Ages, the ruling classes could afford to be careless with human life. During this era there was an abundant use of the death penalty and corporal punishment. With the advent of the industrial revolution more labourers were needed, therefore punishment undertook a transformation – the use of prison and the transformation of prisons into places of hard labour. Laws and punishment are also dependent on the standard of living. When work is scarce, the lower classes might be tempted to turn to crime to sustain their standard of living therefore the criminal law has to have harsher penalties to discourage potential offenders. Pushukanis (1978:176) agrees with Rusche and Kirchheimer in so far that the criminal law is there to protect the interests of the dominant class. He maintains that theorists, like Durkheim who do not take into account the class dimension are helping to maintain the status quo by perpetuating the idea of a single class, which in reality does not exist. The prison is not limited to controlling criminals; it also controls the working class (Foucault 1977:23).

According to Rusche and Kirchheimer (1939:133) for the prisons to function as a hated alternative to the labour market they had to have a harsh and cruel regime. In this way the lower classes would prefer to work in the labour market than to enter prison. It was important that conditions in prison should be harsher than those found in society, with a restricted diet, hard labour and spartan living conditions. The conditions of prison were therefore determined by the social conditions faced by lower class citizens outside prison (Garland, 1991:94).

Punishment has a cultural and social function. It does not only exist to correct the wrong doings of certain individuals but also acts as a means of controlling other members of society. Rusche and Kirchheiner (1939:3) argue that punishment has historical meaning and a social function. Criminal actions *per se* do not exist but what exists are systems of punishment aimed at controlling criminal actions. They do not agree with the functional perspective that crime and punishment are a universal phenomenon, without which society cannot function. They are more Marxist in their approach, insisting that punishment is dependent on the means of production, and the struggle of one class to dominate the other. Punishment for them is directly related to the means of production. It is the market that determines the type of punishment, or should one say labour, that should be given to prisoners. The means of production would correspond to the hard labour being given to prisoners.

Greenburg (1981:66) maintained that youth delinquency could be explained because of their position in the economic market. They are in a position where they are not allowed to work but they have to train for their future job. Some youths are also anxious that they will never reach the desired status. They therefore search for alternative life styles that could give them the desired success. These youths will turn to crime for gratification, with the state reacting by sending them to the criminal justice system for control.

Originally, the Marxist view on criminal law was that the law was there to serve the powerful and to keep the lower classes under control. Marx (1867:763) himself wrote about the use of the criminal law to serve the needs of the upper class. He maintained that traditionally peasants were independent workers working for the nobility or the church. Gradually these rights were stopped and their way of earning a living was declared illegal as the lands they used to harvest were transformed into private enterprise. Consequently, many peasants, not wanting to work for the new owners, became beggars, vagabonds or formed gangs of robbers. A more complex view on the upper class is that posed by Althusser (cited in Bernard and Vold, 1986:311). He departs from the economic component of Marxism, maintaining that individuals are agents of the structure of social relations. The role of the upper class is to see that the *status quo* is maintained for a long time. Therefore laws do not only serve the interest of the upper class but they also serve to keep the lower classes happy in order for capitalism to survive.

Conflict theorist, such as Vold (1958), Quinney (1970) and Chambliss and Seidman (1971 all cited in Vold and Bernard, 1986:286-287) maintain that the law works in favour of the most powerful groups in society. All actions are made up of a number of conflicts and compromises that each interest group has to perform in order to be able to live together. For them complex societies are made up of various interest groups, each with different means and agendas. As these groups are varied they have different values and interest as well as different methods of gaining and protecting these interests. Behaviour is reinforced in the group and usually an individual would act according to the values of that group. Groups tend to evolve gradually and maintain the behavioural patterns that they have been brought up with. These actions usually differ from one group to another. Criminal law enactment is no different than the other actions in society. Different groups try to promote and defend their values over those of another group. Laws usually reflect the wishes of a number of groups, however the more economically and politically powerful groups would be in a better position to advance their values. This means that the members of the most powerful groups are less likely to violate the law because the law is reflecting their values. On the other hand the less powerful groups tend to break the law because the law is against their values and interests. With law enforcement this is also felt:

> …the greater the political and economical power of individuals, the more difficult it is for official law enforcement agencies to process them when their behaviour violates the criminal law. There are many reasons for this…violations may be more subtle…individuals may have greater resources to conceal the violation… [or they may] exert influence extralegally on the law enforcement process.
>
> (Vold and Bernard, 1986:287)

The fact that law enforcement agencies are bureaucracies does not help as they tend to process easy cases, which means that those, which have less economical and political power, will end up the most prosecuted. Due to this, the less powerful groups will be systematically more represented in the criminal justice system and in prisons.

Turk (1969:41) is also a conflict theorist but he does not totally agree with the other theorists on the role of the coercion-consensus status of the various groups in society. He maintains that the most powerful group has to keep a balance and prevent a shift to either side of the spectrum. They do this by subjecting people to social roles and regulations so that they will not rebel. As long as people accept this authority the powerful are secure. The powerful define cultural norms i.e. written laws and social norms and the enforcing of laws. Conflicts are likely to occur if the less powerful group has at its disposal a philosophical reason to refuse the law. The likelihood of conflict will increase if the less powerful group is organised. This conflict will result in the criminalisation of the act. If both the police and the judiciary agree with this there will be high arrests and conviction rates of the rebellious group.

Conclusion

This chapter offered an overview of the development of prisons and constructs a theoretical framework for approaching a study of the development and use of imprisonment in Malta between 1850 and 1951. There are four theoretical perspectives, each with some utility but none telling the whole story – change in thinking, change in sensibilities, commitment to discipline and meeting the needs of the state. The justification of punishment has undergone a transformation paralleled with the development of the social and natural sciences. The concept of free will with the later development of biological, psychological and social justification of crime led to the evolution of reform/rehabilitation and later to just desserts, while not abandoning the concepts of deterrence, retribution and incapacitation. Each theory tries to justify punishment, however none gives a total explanation of the phenomenon of why prisons exist and society's support towards them in light of all the problems that they face. The utilitarian Jeremy Bentham justified punishment and prisons through their deterrent effect. The functionalist Emile Durkheim continued on these lines, going further to suggest that punishment had also the function of uniting society and maintaining cohesion against a common enemy – crime (Walker, 1991:21-22). Hirst (1994:265) also maintains that punishment cannot be abolished, as it is indispensable for social organisation. The existence of punishment ensures that people behave in the most appropriate manner. It is therefore needed both in the criminal law and the prison regulations. Prisons are not necessarily the most efficient form of control but they are the form that society has accepted. Although punishment is justified as having a deterrent effect and reforming criminals it has failed to do so. Laws were enacted to punish an individuals who would suffer should they be sent to prison. This part of the theoretical framework was mostly responsible for the creation of the first of the hypothesis:

1. The prison regulations moved from deterrence and retribution to the punishment of the soul and rehabilitation.

Other theorists (such as Spierenburg, 1984) write about the change in society's sensibilities as being responsible for the change in punishment. Through changes in sensibilities, punishment evolved from a more violent and brutal public form to a hidden and supposedly

humane form. Into this combination, one has also to add a commitment to discipline – to transform the wrongdoer into a law-abiding citizen with the help of a well-organised prison. Change in sensibilities and commitment to discipline were mostly responsible for the development of the second hypothesis:

2. Prison practice moved from being austere to a softer mode of punishment.

Finally, one has to consider the effect of the ruling class or the elite on the criminal justice system. Their influence in committing the same type of person in prison. Theorists, such as Rusche and Kirchheimer (1939) and Hulsman (1986, cited in Garland, 1990) see crime as a conflict in society, with the powerful imposing their rules on the less powerful. Meeting the needs of the state inspired the third hypothesis:

3. The profile of the prisoner in 1951 is not much different from that in 1850.

It is necessary to consider the legal aspect, the practice aspect and the prisoners, because as Salvelsberg (1999:48) maintains in order to understand punishment the theorist must incorporate the political dimension (which the researcher calls practice) with the legal dimension (the prison regulations). These do no exist in a vacuum but in relation to humans, therefore the need to address the question of who were the prisoners and what actions were perpetuated by their guardians (warders, Directors, judges, prison board and so on). The human agent would influence both the practice dimensions and the interpretation of the prison regulations. The above three hypothesis are also linked with other findings found in the archival data such as the repeated occurrence of petty offenders in the criminal justice system (Irwin, 1990), and the use of prison labour (Van Zyl Smit and Dunkel, 1999). The data categories also helped in the construction of the hypothesis by inspiring the researcher to categorise the data and fix the hypothesis. A more thorough explanation regarding the interaction between data categories, the hypothesis and the theoretical framework will be given in the next chapter. After the methodological chapter the subsequent four chapters will show the data collected from the prison archives and their analysis through the theoretical framework to confirm or otherwise the hypothesis of the research.

Chapter 3: Methodology

As the modern state evolved during the eighteenth and nineteenth centuries, a bureaucratic form of administration and surveillance developed with it. This is part of the research problematic but it also offers the key to understanding. In this era various 'systems of control' (Scott, 1990:61), such as the police, asylums, and prisons developed. These institutions generated numerous administrative records, which were not neutral reflecting the cultural and ideological fervour of the society at the time. Theories of punishment range from the Functionalist to the Marxist approach, from the changes in sensibilities to Foucault's philosophical approach, each theory's contribution is valid but each fails to completely explain the phenomenon of punishment.

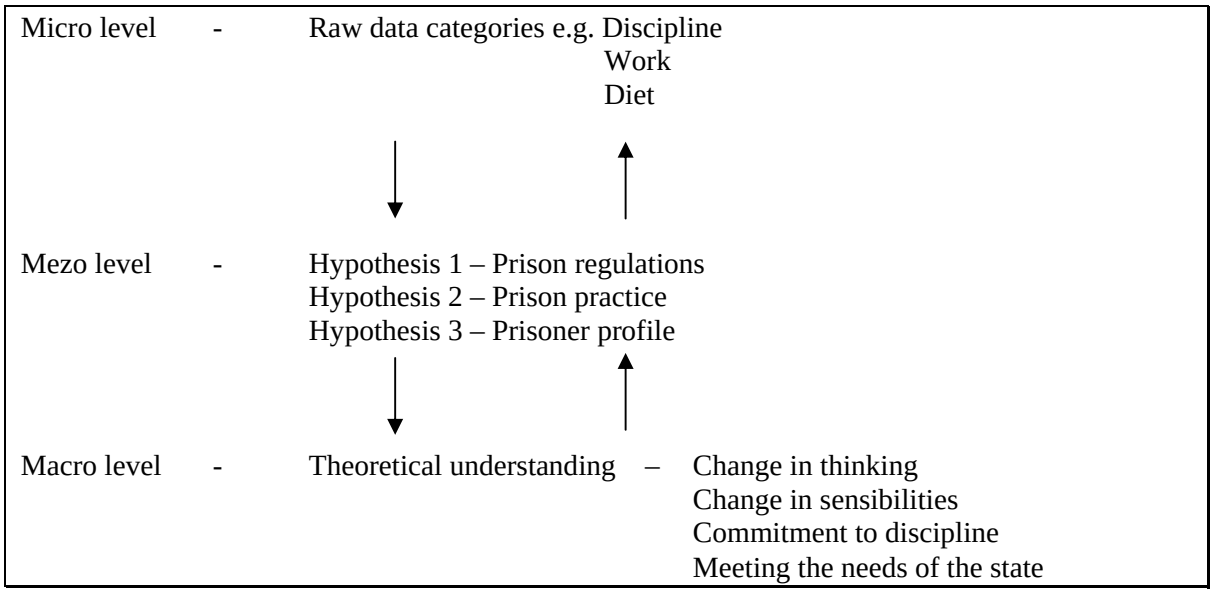
There is no self-evident link between an entry in a prison record and theoretical understanding. For example, an entry in the prison admission ledgers *per se* does not point out to a particular theory but a number of entries showing more unskilled labourers than professionals being imprisoned, points towards theoretical understanding: prisons functioning as an extension of the state and catering to this need by imprisoning the poor and unskilled when labourers were in surplus. This in turn leads to hypothesis generation i.e. that the profile of the prisoner would not change much during the hundred years. The critical question is how to generate new understanding from bits and pieces of 150-year-old entries in prison records with an acceptable level of theoretical confidence. The methodological question is to make a link between an item of prison data, for example, information about prisoners' work, and one or more of the theoretical explanations offered in Chapter 2.

This research explores the evolution of the Maltese prison from two important points in its history – points where new regulations where introduced, covering a 100 year span. The year 1850, when the Corradino Civil Prison was set up and the year 1931, a turbulent era in Maltese history. The 1850 prison regulations in Malta coincide with the birth of modern imprisonment in Britain and elsewhere. The mid-nineteenth century is a defining moment in prison history. Prior to this, jailers controlled the Maltese prison system and as McGowen (1998:74) maintains the prisoners were given everything they wanted as long as they did not cause trouble or escaped. The 1850 regulations would show the beginning of a new era where scientific enquiry dominated the treatment of prisoners. Consequently the 1931 regulations would mirror the end of the separate system with the culmination of Paterson's 'golden age of prison reform' (Thomas, 1972:152). The 1931 regulations again showed a drastic change in the treatment of prisoners. Between 1850 and 1931 the prison regulations were never given a radical change they were amended to try to modernise the system but were not innovated. It was felt that the 1931 rules would show another important change in the Maltese prison history that would enable the researcher to show the change, if any, which had occurred between the two eras.

The effect of the 1850 and 1931 regulations will be seen through an analysis of that particular year and the subsequent tenth and twentieth year from the inception of the regulations. When the researcher started exploring the records she did not have an idea of the categories that would emerge. Although the researcher had a vague idea about the hypothesis they had not yet been constructed. The researcher was faced with two full rooms of disorganised records. While putting order to these records some common themes started to emerge. These enabled the researcher to divide the findings in categories such as 'prison estate', 'prisoners' profile', 'prison discipline', and so on. These categories were later used to present the finding in a more coherent fashion. Dividing the research into these heading also proved easier because the second part of the research was easier to construct as the researcher could now put the finding in the respective categories. The categories represent the micro-level raw data categories to be mined for meaning but, in and for themselves, they are little more than pieces of the analytic jigsaw puzzle.

Denzin (1970, cited in Macdonald and Tipton, 1994:199) writes that for an archival research to be valid it needs four types of triangulation. The first is data triangulation. This variable assesses the data. Data have to be produced in a time, in a certain place and by a certain person. The second is investigator triangulation, where data from different sources are used to confirm initial findings. These forms of triangulation are applicable to the data categories of this research. The hypotheses started emerging with the creation of the theoretical framework vis-à-vis the data categories. The data categories are the micro-level of analyses and the theoretical framework shows a macro-level of understanding. The hypotheses are the passageway, or the mezo-level of analysis. They permit the passage between the raw and crude data found in the archives to the analyses of the data in the light of the theoretical framework. Figure 3.1 depicts the way of understanding and the theoretical backbone of this research. The raw data categories (prison estate, prison discipline and so one) are the micro level of analysis. They show the raw data but alone have no meaning. They helped the researcher develop the hypotheses but these were not enough, it was necessary to have a theoretical understanding to enable the construction of hypotheses, which would be later accepted or refuted according to the finding from the data and the theoretical framework. The data generate the hypotheses, which in turn helped in the construction of the theoretical framework. Consequently, the theoretical framework fed the hypotheses, which in turn enabled the uncovering of the data. Denzin (1970, cited in Macdonald and Tipton, 1994:199) continued by explaining the third type of triangulation, which he called 'theory triangulation'. This is the most difficult to explain and he only gave a hypothetical example to explain it. The final triangulation he calls 'methodology triangulation', which refers to the method used. Macdonald and Tipton, (1994:199) maintain that although Denzin's advice is sound it is difficult to give an outline for this kind of work as the data material is so varied. It was for this reason that Denzin's triangulation was not totally adhered to. While the first three variables were accepted and partially modified the last (methodological triangulation) had to be created according to the needs of this research.

Figure 3.1: Micro, mezo an macro levels of understanding


Micro level - Raw data categories e.g. Discipline
Work
Diet
Mezo level - Hypothesis 1 – Prison regulations
Hypothesis 2 – Prison practice
Hypothesis 3 – Prisoner profile
Macro level - Theoretical understanding – Change in thinking
Change in sensibilities
Commitment to discipline
Meeting the needs of the state

An example of how the date categories led to the construction of the analyses is the prisoners' profile. The data within the prisoners' profiles was staggering in volume but easy to identify because the ledgers were all of the same type. Opening these ledgers and taking a cursory look at them made the researcher suppose that the data in the ledgers would yield some information that would enable the construction of a hypothesis. On the other hand, the theoretical research was pointing to the fact that the same kind of person invariably ended in prison. These two variables led to the construction of the third hypothesis. Sometimes the data categories led to the creation of another type of understanding as happened in the 1931 era with the Second World War. When the research was started, the researcher did not intend to give the war years particular importance. As the research evolved it was realised that some particular data was emerging, therefore a section had to be dedicated to the effect of the war on the prison comparing the treatment of war prisoners to civil prisoners. The war years continued to support the third hypothesis that was emerging through the theoretical framework. During the research, each year was assessed through the prison regulations, the prison practice and the prisoners' profile. These three variables will give a picture of what was happening in the prison at the time.

The prison regulations are those formal rules that should be followed when the prison is functioning but analysis of only these regulations is not enough to show what was actually happening. The regulations only show the intention of the legislator and not the actual practice. Analysis of prison practice yields knowledge about what was happening in prison. Ideally, there should be congruence between regulations and practice in a given year; but equally there could be tension as conflict between penal intent and prison practice might arise. Through an analysis of documents pertaining to prison practice e.g. the Superintendent's/Director's journal, a better understanding is given of the actual happening in the prison. Finally, the prisoners themselves are the recipients of prison regulations and practice; and analysis of this profile shows the type of persons rehabilitated, treated, punished and so on.

Using the three-way analyses of the hypothesis at the mezo-level enabled the researcher to give a clear picture of what was happening in prison in that particular era and how the subsequent years evolved. Through adductive inference (Josephson and Josephson 1994:6), one may construct a theory or explain why things happen. Adductive inference happens in everyday life where observations and past experience combine to generate meaning. Adduction inference is also used in historical knowledge. For example, when the researcher sees certain obvious mistakes in the prison ledgers, the error is automatically pointed out or corrected. A ledger which has missing consecutive numbers from one page to another is interpreted as having missing pages and a ledger which shows a two year old sentenced to prison is dismissed as having a mistaken entry. Adductive reasoning will not only be used in verifying the historical truth of the documents but also in building theory itself. This is the macro-level of analysis. Although the ledgers are taken at face value they are also subject to critical analysis. When the researcher felt that the documentation was portraying a self evidently skewed picture of reality this has been pointed out. A number of hypotheses make up a whole. This approach requires a parsimonious approach to the number of hypotheses under consideration, where plausible explanation becomes the key research tool. Adduction is the whole process of generating information, criticising it and the possible acceptance or rejection of the hypothesis (Josephson and Josephson 1994:9). The best definition for adduction is 'finding the best explanation of a set of data' (Josephson and Josephson 1994:157).

Adduction deals with Eley's (1980:60) critical point that archival research too often generates facts without interpretation. This occurs either by focusing on discrete and transitional events, as if they painted the whole picture, or by mistakenly grouping seemingly similar events (for example domestic violence) where cultural and social meaning has changed over time. The situation requires judicious use of theory.

History is made through the accumulation of pieces of valid and reliable data that leads to the construction of a story of historical narrative (Parker, 1980:422), but this does not explain change over time. Historical research is both chronological and topical. For example, Marx's political and economic determinism is well suited to Northern Europe of the 1840s, but other theorising is necessary as the focus moves to another place and another time (Parker, 1980:424). The most appropriate approach is to avoid narrative history (telling the story), avoid the so-called Annales group (who tell the story but notice contradictions) and avoid the Marxist approach (focusing mostly on contradictions). The judicious by constant use of theory allows 'the interrelating of the story of human beings in everyday happenings and events with the movement of ongoing variables and structures' (Parker, 1980:428).

Analyses of the prison documents enable the researcher to assess the applicability of the theoretical framework constructed in the previous chapter to the prison in Malta. The prisoner profiles help in confirming or otherwise Foucault's idea that the prisons have not only failed to

reduce crime but have succeeded in producing recidivists. This research also shows whether the Marxist's are right when writing that people possessing similar characteristics end up in prison. The prison architecture is addressed, as is the importance in the prison regime and attempts to rehabilitate the prisoners where change in the treatment of prisoners could point to changing sensibilities within the general Maltese population.

The research is based on what Scott (1990:2) terms mediate access. Mediate or 'indirect' access exists when the researcher and the documents analysed belong to different time-periods. This can pose problems, as the researcher has to infer the meanings of words and actions that have been lost due to the passage of time or where the original meaning has changed over time. Interpretation of the data is also based on the researchers' current knowledge of the historical situation through historical reading, but such knowledge might not actually reflect the real situation of the time.

Access to these documents was not easy. Archival access in Malta precludes public access to personal documents until eighty years have passed from their production. This made most, the post-1920 documents unavailable to the present study. Scott (1990:14) classified documents in twelve categories (shown in Table 3.1), but most of the relevant prison documentation belonged to the ninth category – official state-produced and closed. The authorities responsible for the national archives were initially concerned about the researcher having access to prison ledgers because they contained sensitive information. They deemed it beyond their competence to authorise access and referred the researcher to the prison authorities. The Director of prisons showed similar reluctance so the researcher approached the permanent secretary for Home Affairs. Permission was than granted with the proviso that names and information could not be used in a way that would identify or incriminate people. Therefore, from the 1920s the researcher only mentions by name persons whose names are found in public documents, and therefore are accessible to the public

Table 3.1: A Classification of Documents

		Authorship		
		Personal	Official	
			Private	State
Access	Closed	1	5	9
	Restricted	2	6	10
	Open-archival	3	7	11
	Open-published	4	8	12

Source: Adapted from Scott (1990:14)

The first research task involved organisation of the Malta prison archives. The researcher had naively assumed that ledgers would be categorised and labelled, but this proved a gross misconception. Prison records were kept in a room in prison until 1982, when the then Director of Prisons, Mr Ronald Theuma, asked a well-educated prisoner to organise them. The prisoner categorised the material by subject, but following two prison riots in 1992, all the documentation was placed haphazardly in boxes and sent to Fort St. Elmo for storage. Storage here was not ideal.

They were kept in two closed rooms, elevated from the floor by wooden planks, but humidity in the rooms was very high. The rooms overlooked the Grand Harbour in Valletta resulting in a combination of humidity and sea spray that could damage and corrupt the ledgers. DePew (1991:45) points to the hazards of storing documents in high humidity or areas exposed to the sun. For most of their existence, these documents have been kept in these conditions. High humidity is to be found in both the prison and Fort St. Elmo. Sauna-like temperatures and high humidity cause chemical reactions in the paper that quicken deterioration. Some ledgers, due to the type of material used and the conditions under which they where kept, were impossible to read. After six years of inadequate storage, on the 15th April 1998 they were finally transferred to the National Archives of Malta (NAM), still packed in boxes.

Storage in the NAM was better. The material was raised on iron planks and dehumidifiers were in use, but staff shortages meant that the records were being conserved but not processed. The researcher first saw the prison archival material in this state (Appendix A). Data collection was postponed for six months to permit NAM categorisation of the records. This did not take place and in December 1999, the researcher took the decision to open the boxes and sort the documentation. This was an unexpected and unwarranted additional research task. It was complex, time consuming and laborious – and for the first time 'hard labour' took on a new meaning.

The volume of archival material was staggering. A sizable room was packed with 303 large boxes. The names of the ledgers alone amounted to 58 A-4 pages. With a span of almost 150 years ledgers tended to be of various shapes and sizes. The easiest were the admission ledgers. These had kept the same size and almost the same shape. They are big ledgers (A3 size or bigger) and thick, therefore heavy. There are 214 such ledgers (Appendix A). It was easy sorting them out because they had been kept together, therefore when one opened the boxes one would find only admission registers and not other ledgers. The other sources were not so easy. As an example of the content of a box of the prison archive one could take box number 65. The description of the content of this box was: Register of prisoners executed at the civil prisons; prisoners awaiting trail at the Gozo prisons 1950-1960; Prisoners' requests and redress book 1980-1985; Director's order book 01.01.57-23.07.66; Register of convicted prisoners (11.03.74-30.11.76); Key records book 1986; Key records book 1987; Staff conduct book 1898-1974; Index book; Index book 1935; Outside gate book 1984-1987; Cell confinement 1993-1994; M 0726 Opel Kadet log book 1991; Extra visits (1976) and Gozo prison returns 1938-1961. The ledgers were haphazardly placed, and there was no continuity concerning relevant year(s), categories of information and even ledger titles.

Under the direction of the officer in charge of the NAM the researcher started the process of sorting the archive. The first process was to divide the ledgers into various types of categories.

Once this was done, a process, which took more than a hundred hours with the help from employees of the archive and some friends, the researcher could embark on the second phase. This involved organising each category according to the way it was produced, including tagging the ledgers with their date of origin and placing them in the appropriate order. A parallel process involved the recording of ledgers on separate sheets of paper, so that at the end of the process one had all the information ordered. After a year, working an average of 15 to 20 hours per week, the researcher could actually begin data collection. The total absence of archival classification at the start of the project was a major research problematic. The incomplete NAM classification at this point makes further research difficult. The present research goes a considerable way to compensating for this shortfall. Archival organisation by NAM continues sporadically mainly by volunteers. Each prison ledger is given a code, always beginning with CCP (Corradino Civil Prison) followed by a slash and a number representing the category of the ledger it is referring to, and then another number referring to the ledger itself. For example the 1850 admission register would be referred to as CCP/01/01. As not all the categories have been numbered in certain cases the researcher would not be able to give the number given by the archive of a certain document. In these cases the name and the year of the ledger would be given.

Table 3.2 shows the list of the documents that were found and sorted in the prison archives. All boxes containing prison ledgers had to be opened and sorted in order to make sure that all relevant material to the periods 1850-1870 and 1931-1951 was identified. Ledgers had been placed in boxes haphazardly. Organisation of the archive was a three-part process. First all ledgers had to be taken out of the boxes and sorted by type of journal. Secondly, each type of journal had to be arranged chronologically. This in itself was hugely problematic. Some journals of the same sort (for example Admission Registers) were presented with overlapping dates (e.g. Admission Ledger 204-1st December 1949 to 12th May 1951, Admission Ledger 205-27th May 1947 to 24th January 1952 and Admission Ledger 206-11th September 1950 to 17th December 1952) and also contained data on some but not all of the related categories (for example Admissions Registers for men, women and young adult males). Data was recorded both by chronology and by type of information across a range of ledgers, with no uniform rubric or methodology. The researcher was obliged to tackle data by date and type across ledgers simultaneously – something akin to a consecutive and concurrent prison sentence at the same time! This difficult task became more complex when ledgers had been erroneously listed. The third and final part of the process involved making a written record for each type of journal by date and category of information, to assist subsequent NAM classification.

Table 3.2: List of Sorted Documents

Civil Debtors Book	1830-1951	Marks earned by prisoners	1910-1949
Admission Register	1850-1989	Prisoners' Employment	1914-1981
Admission Index		Board of Visitors	1917-1974
Officers' Misconduct Book	1850-1989	Prison Industries	1918-1976
Letter Book (official)	1853-1946	Detail of Duties	1919-1990
Director's Journal	1859-1987	Principal Medical Officer Journal	1919-1977
Medical Journal	1885-1993	Register of Admission to Hospital	1920-1977
Women Register	1864-1968	Director's Interviews prisoners	1920-1992
Women Log Book	1977-1993	Prison Administration	1920-1973
Convictions	1866-1970	Daily Prison State	1921-1991
Register of Deaths	1876-1986	Accounts	1922-1988
Requisition of Medicines	1882-1976	Defaulters' Books	1922-1949
Chaplain's Journal	1887-1982	Prison Maintenance	1926-1975
Property Book	1889-1949	Night Reports/Tell-Tale Clock	1928-1989
Inspection Book	1890-1976	Fuel bought for Prison Use	1929-1990
Library	1891-1994	Locking Reports	1932-1993
Military and Naval Prisoners	1894-1974	Chief Officer' Journal	1932-1975
Solitary Confinement	1896-1945	Principal Warden's Night Report	1933-1952
Stores/Requisition of Supplies	1899-1988	Prison School Records	1934-1987
Gratuities to Prisoners	1902-1974	Police Escorts	1944-1974
Daily Medical Prescriptions	1903-1992	Central Hall Books/Daily Occurrence	1945-1997
Weight Book	1903-1956	Daily Reports	1947-1954
Victuals	1905-1991	Remuneration to staff	1957-1982
Punishment Books	1905-1991	Prisoners' Movement	1971-1978
Annual Reports	1905-1987	Visits to Prisoners	1976-1992
Gate Books	1906-1994	Dog Patrol Section	1977-1989
Diet Books	1907-1991	Incoming/Outgoing Messages	1978-1994
		Key Register	1982-1991

The aims and purposes of the original writer were of paramount importance and required elaboration (Scott, 1990:13). Official documents are created for a particular purpose and not for future research. Hakim (1983:489) divides official documents into three types: routine, regular and special. Routine documents are central in administration. They form the backbone of the bureaucracy and they are usually extensive, consistent and factual. In the prison documents, the admissions registrars fall into this category. Regular documents are those produced for everyday purposes. Their use is purely internal. They are usually less important than the former, with a function to aid routine work. Documents relating to the number and status of prisoners on a daily basis fall in this category. Special documents are those articles produced for a specific reason, such as annual reports. These offer accountability by being public. The three types of documents were identified in the prison archive. Documents were analysed according to the way they were produced keeping in mind their original purpose and what type of documents they where. This would help in teasing out the meaning and interpreting the documents.

The status and standing of the archive material has four sequential dimensions (Scott, 1990:6-8). The first relates to authenticity and includes verification that the documents are original rather than fraudulent. The second related to credibility, including an assessment of potential and actual sources of error and distortion. The third relates to representativeness or whether a given document is typical of another from the same context. The final task relates to the attribution of meaning. After assessing the documents another problem is whether some documents have been distorted or if there had been some storage problems (Scott, 1990:8).

The documents being analysed are prison documents as movement from one site to the other was always carefully monitored. For more than a century, they piled up in prison and when they were moved, they were moved to safety. Therefore, they are authentic. They are also credible in that it was possible to compare some rough or draft ledgers with the final version, and see corrections appropriately made. Another example includes an admissions ledger where pages had been bound incorrectly; giving the misleading impression that offenders had been imprisoned before having been convicted. These documents are also representative of the era as the information found in the ledgers was substantiated in other documents found in the archives from the same era. The documents are also meaningful in that what is written makes sense. These documents are authentic, credible, representative and meaningful.

Safe storage was always a priority. When the ledgers were kept in prison, they were housed in a central area with limited access. Once they were moved a list was drawn up of the individual ledgers. When the researcher opened the boxes, all the ledgers were checked against this index. They all matched. The documents are clearly authentic but storage was not always ideal. Safety was threatened by prison riots in 1992. There was some fire damage. The records were removed to Fort St.Elmo but high humidity led to physical deterioration, although they could still readily be consulted. There are very few gaps in the sequence of journals. Most ledgers survive and there is internal consistency in entries from one journal to another. This confirms representativeness (Scott, 1990:106), but there are some puzzling anomalies. For example the prison regulations of 1850 refer to the Chaplain's journal but no record of this was found prior to 1887. This means either that the first 37 years of material did not exist (mistaken reference) or that if it did it was lost or destroyed (missing data).

Not all the documents contained important data. Some documents are produced to meet simple organisational needs (Scott, 1990:11) and others are so heavily predicated or taken-for-granted assumptions about every day routines that they tend to be banal (Scott 1990:123). An example of the latter includes 'Nothing to report' entries in the Superintendent's journal. Conversely, other entries report daily routine in painstaking detail. Human idiosyncrasies add to data richness (which supports authenticity), although not necessarily ease of interpretation.

Citations to source material follow the convention requested by NAM, as follows: source/group/series number/item identification number. The mechanism is comprehensive and logical. This itself is an important research output; it aids future researchers for example dispatch number 634 of 1850 of the letters from the chief secretary to the government will read as follows: NAM/CSG/01/634/1850. The range of documentation requires elaboration. Some documents pertain to the general archive (i.e. documents, mostly produced for the state, that have already been categorized and are open to the public) while others are found in the prison archive. The prison regulations and amendments for the period concerned are analysed. The prison regulations are those regulations that regulate the workings of the prison, the prisoners and the prison officials. Other important documents found in the prison archives are: the admissions registers (class mark CCP/01/[5] for males and CCP/02 for females); the Superintendent/Director journals (class mark CCP/10); the medical journal (class mark CCP/Medical Journal); the Chaplain's journal (class mark CCP/Chaplains' journal), officers' misconduct book (class mark CCP/officers' misconduct book) and the letter books (class mark CCP/06 and CCP/07). Official documents such as the blue book and annual reports were also important sources of information. Consulting these documents gave the researcher a picture of what used to happen in the prison on a daily basis.

Where possible the researcher uses uniform citation, but variation in ledger format precludes this entirely. Some journals have numbered pages, others use letters with numbers and others use only dates. The references are made as complete as possible to allow future researchers easy but full access to the original sources. To avoid over capitalisation all ledger's names when written as part of the text are written in small caps, with the exception of the word 'Visitors' when referring to members of the Board of Visitors. When ledgers are referenced capitalisation is used. For example, if the text reads "according to the prison regulations (1931): small caps will be used, whilst when bracketed as "(Prison Regulations, 1931)" capitalization is used.

The admission register (a copy of a page has been reproduced in Appendix A) is of paramount importance in constructing the prisoners' profiles. They offer a detailed account of all prisoners admitted from 1850 to date in the Corradino prison. Women prisoners were only admitted in Corradino prison from 1864 onwards. At a glance one can judge that male prisoner admission far outnumber those of female prisoners. Male prisoner ledgers take up thirty shelves compared with two shelves of female prisoners. On these rare occasions immediate interpretation of data is possible.

There are other ledgers relating to military and naval prisoners, with details of persons sentenced by court marshal and sent to Corradino either to await embarkation to another prison or to serve their sentence. In the period 1922-49 a new ledger appears – called the defaulters book,

[5] When no codification exists in the prison archive according to NAM classification the researcher uses the code CCP followed by the name of the ledger.

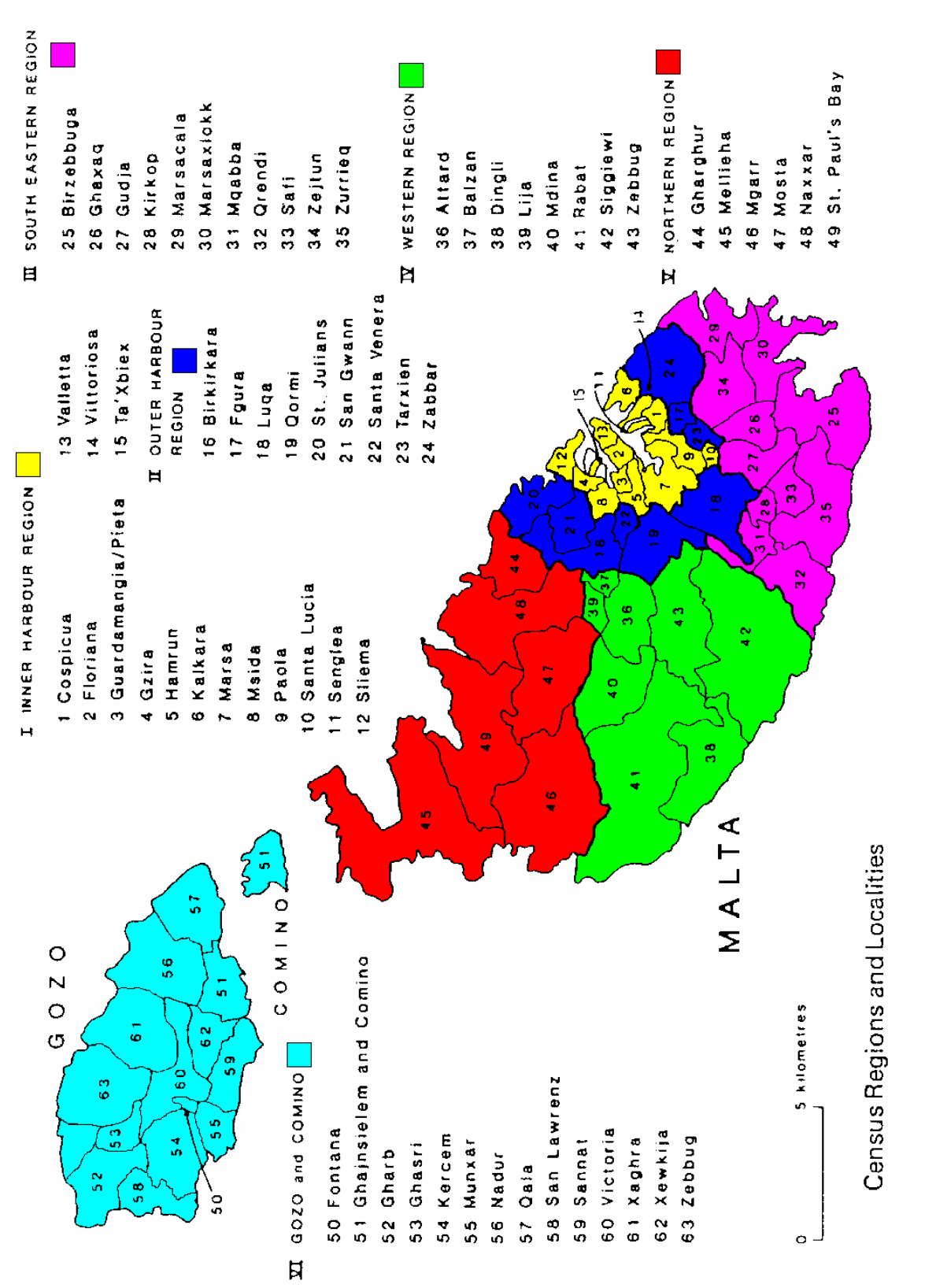
and used to record sentences imposed on military personnel for both criminal offences and disobedience to military orders. What probably prompted the prison to record these prisoners on a separate ledger was the fact that the army had to pay for its prisoners to be kept at Corradino. These ledgers portray a real picture of the prisoner. They were produced because the prison needed them. They are 'routine' documents (Hakim, 1983), produced under an official capacity and closed to the public (Scott, 1990).

The documents pertaining to the 1850, 1860 and 1870 are open-archival, whilst under the 80-year rule those of 1931, 1941 and 1951 have restricted access (Scott, 1990). The primary source of information was the prisoners themselves with information received entered into the appropriate ledger. Information was collected on criminal and personal history. Crime data included: the date of sentence, the offence, the sentence, recidivism and when the prisoner was admitted to prison and when discharged. Personal data included: the nickname, the age, the profession, the place of birth, the place of residence, the marital status, the number of children, a physical description, whether the prisoner could read and write, the school the prisoner attended, the religious denomination, and the parents names. Most of the information in these ledgers was first collected from the prisoner and later copied on the ledger. Due to this there are some copying mistakes (i.e. whilst copying from a draft ledger the clerk made some mistakes) which were easily discernible. The data on these categories for all prisoners (1850-1870: N= 3047 and 1931-1951: N=1460) were entered in an SPSS database to be discussed below in Chapters 4 and 6.

The ledgers offered near uniform data collected over 100 years. There were omissions, the most frequent being about school attendance. For data analysis purpose, certain data categories were collapsed for example length of imprisonment into 30-day periods (because most prisoners were sentenced to short terms) and age into five-year bands. Analysis by type of crime was problematic because over one hundred offences are recorded. Only the most common offences are used for present purposes. The decision to collapse categories was dictated mostly by analysis and data presentation problems.

The Maltese Islands were divided into six regions (in line with the division of the Maltese islands used in the 1985 census) for the purpose of analysing prisoners by area of residence. There was also a provision for prisoners coming from a military or naval base, a commercial ship and persons coming from abroad. Figure 3.2 portrays the division of the Maltese Islands. Some place names in Malta and Gozo have either undergone a change or have disappeared. Some examples are Macabiba which is today's Mqabba, Garbo and Caccia two villages in Gozo that do not exist anymore. Spelling of Maltese words varied considerably, therefore deciphering the hand written script was sometimes problematic.

Figure 3.2: Distribution of the Maltese Population by Region.



Source: Malta Census 1985

In the 19th century recidivism by receipt of prison sentence was recorded on each occasion until the tenth prison term, when the term 'several' is routinely used. From 1931 onwards a distinction was made between first-time and second-time offenders, whilst all others were classed as 'several'. The professions of inmates were classified as professional (including merchants),

skilled (such as bakers and farmers), semi-skilled (such as servants and bus drivers), unskilled (such as hawkers and street sweepers), housewives, unemployed, beggars and school children. Some job names, such as carter (someone who constructed or repaired carts) are no longer in use.

The Superintendent/Director's journal offers a picture of prison life but from 1931 there is also the Principal Officer's journal. Earlier Superintendent's journals explain in detail how prisoners spent time in prison while later ones give a clinical picture, similar to the Principal Officer's journal, of the prison state with few comments. A reproduction of a page of both journals is being reproduced in Appendix A, for comparison. From these ledgers, one can get an idea of how the prison worked. Another ledger that pertains to this category is the inspection book. This ledger had various users. The inspector of prisons, who was accountable to the governor, was the person responsible for periodically inspecting the prison, used to write his comments on the prison, later it was used by the Director or the chief officer after they inspected the prison. The Chaplain's journal is similar to the Superintendent's journal but offers data relating to religious activity, and prisoners' educational needs. Conversely, the medical journal offers an account of the prisoners' medical well being. Another useful journal is the ledger kept by the Director on interviews with prisoners. It does not offer general information about prison life but it does offer important 'vignettes' about prisoners' problems and Director's action.

Quarterly and annual reports were repeatedly consulted, although they are self-evidently 'special documents' produced for open consumption and may have been produced with a specific purpose in mind – for example, to show that 'new' ideas worked (Scott, 1990:23-24). This purposeful aspect needs to be kept in mind when assessing all documents; by deciphering the purpose of documents, one is more likely to gain a true insight of the occurrence in an institution. Scott (1990:23-24), emphasises the importance of assessing the accuracy of the documents and the author's integrity. While it is improbable that the authors of these documents where insincere, their zeal might lead some reporters to withhold some damaging information. Therefore, the importance of consulting internal files, which were not meant for public scrutiny, would give a clearer picture. All documents will be considered both as a tool for the information that they contain as well as a reflection of the social and cultural milieu of the time. In the officers' misconduct book, another 'routine' (Hakim: 1983) and 'closed' (Scott, 1990) document, the incidence of warders' misbehaviour is recorded. Other ledgers namely the solitary confinement book and the punishment book referred to the prisoners' discipline. These ledgers explain the misconduct, by whom it was done and reported and the action taken. They point to real prison problems and how they where solved, adding to the richness of the overall picture. There are no entries to some years in the officers' misconduct ledgers, possibly because the Director of prisons did not use the journal or that no officer misbehaved in that year.

The letter books found in the prison archive, together with letters and other documentation found in the NAM for the periods being analysed, also constituted a major source of information for prison policy and regulations. These administrative papers are shaped by the activities of the state (Scott, 1990:59). The correspondence consulted were the letters from and to the chief secretary to the government (class mark CSG), dispatches from and to the Secretary of State (class mark GOV) the lieutenant government's office files (class mark LGO) and the blue book/annual reports. With the exception of the blue book/annual reports, which are special documents open to the public; all the other documents belong to the routine category and are closed (Hakim, 1983 and Scott, 1990). They are authentic documents as a copy of the documents is found in more than one ledger from different sources i.e. the prison archives and the central administration.

The office of the chief Secretary of State was the administrative office of the Civil Government. All departmental, consular, ecclesiastical and individual correspondences were channelled through it. This was the fulcrum where all orders from the central government to the various departments originated. A central filing system kept records of these letters. This office originated with the first government on 5th October 1813 and continued to function until October 1921 when the mandate of the self-government gave responsibility for administrative papers to the Maltese government. Destruction of documents was common, as with the destruction of letters in 1870 to make room for later records; and others were lost through ignorance, accidents or bad storage (Scott, 1990:25).

The dispatches from and to the Secretary of State cover a period from 1800 to 1901. These registers are copies of the correspondence between the governors and the Secretary of State or the civil commissioner. Copied documents pose problems as they could have been mistranscribed or some entries left out (Scott, 1990:102). The researcher tried to solve this problem by seeing various copies of the same documents where possible and assessing that the instructions received made logical sense when compared with the knowledge gained. Some misprints were identified in this manner, for example: the entry in the admission register gave a two year old boy, imprisoned for theft. This was surely a misprint. Probably a distracted clerk wrote 2 instead of 12.

The lieutenant government office files cover a period between 1835 and 1947. They document the administrative work of the lieutenant government's office. These files are the most substantial having an average of twelve ledgers of about 150 letters each for each year. Most of these files do not have indexes, therefore when looking for correspondence about the Corradino prison one had to laboriously leaf through all the files.

The blue book is a collection of yearly reports written by Maltese institutions (e.g. health, education, prison and so on). It covers a period form 1800 to 1939. After this period the annual departmental reports perform the same function. The blue book is of particular importance as it contained a collection of information on the prison and about the year's activity, giving the

researcher the information needed for the construction of the initial framework for the analysis of the year. Annual or quarterly reports were produced by the Board of Visitors to be submitted to the lieutenant government office, and by the inspector of prisons, the Superintendent/Director of prisons, by the Chaplain and by the chief Medical Officer to be submitted to the Board of Visitors. Most of these reports lack pagination, therefore the relevant in-text citations lack specific reference to a particular page.

The civil debtors' book gave an account of the debtors kept at Corradino prison. Debtors held here were never in great numbers, fluctuating between one and five at any given time. These were kept separate from other prisoners. As they were not sentenced for criminal proceedings they were not included in the prisoners' profile. Their admission records only records their name, there debtor's name and the amount owned. These records are also routine and closed documents (Hakim, 1983 and Scott, 1990) with presumed authenticity and credibility because only one such ledger has existed for over a hundred years and it would be illogical to suppose that there was a conspiracy to falsify this document.

The women's log book, the daily prison state, the detail of duties, the night reports/Tell-Tale clock, the locking reports, the principle warder's night report, the central hall books the daily occurrence, the daily reports and the key register all refer to ledgers that outline the daily happenings of the prison. Ever day the Director would fill in the daily prison state book, where an account of the number of prisoners and the general state of the health of prisoners as well as the state of the prison would be given. Furthermore, each wing would produce its daily records on the prisoners, on warders and on the general state of things (a page of the locking report is produced in Appendix A). When the prison was fully functional there were four main wings, surrounding the central yard, a juvenile wing, a debtors wing, a wing for those condemned to death and a women's wing. These records were important in helping the researcher assess the function of the prison. These like other documents before enabled an assessment between prison regulations and prison practice. The internal consistencies between these documents show that these are authentic and credible documents. These documents were regular and closed documents produced for internal use only (Hakim, 1983 and Scott, 1990).

The sentencing courts to legitimise incarceration produced conviction records. These records although forming part of the prison archives will not be used in the analyses, however they are a method of checking if the prisoner recorded in the admission register is the same person being convicted (a copy of a conviction sheet is reproduced in Appendix A). Internal validity is checked when the same person is convicted more than once in a short period. Ledgers should reflect each other, so that an entry for one prisoner in one ledger is accompanied by paralleled consequential entries in other ledgers. This adds to confidence about authenticity and credibility. The deaths' register details persons condemned to death, those who died of natural causes and those who

committed suicide. There were few deaths, only 18 executions and a small number of suicides. After 153 years the original ledger is still not full (Appendix A).

The medical personnel of the prison produced numerous ledgers. Ledgers dealing with prisoners' ailments were highly confidential and not even the Director could request to see them. Other ledgers where available to the Director, but to nobody else. These ledgers are closed (Scott, 1990). Ledgers with medical and related information include requisition of medicines, daily medical prescriptions, weight book, principal Medical Officer's journal, and register of admission to hospital. These journals allow an appreciation of health, medication and the general atmosphere of the prison. For example, the use of calming pills suggests control, whilst referral to hospital (especially mental asylum) indicate a perceived need, for prisoners to have a 'break' from the prison regime. Other ledgers relate to diet and victuals. Some of these are routine ledgers and some regular documents (Hakim, 1983).

Other ledgers were generated to control prisoners' belongings. In this category there is the property book where the prisoners' property was entered when they entered prison and where artefacts they accumulated while undergoing the prison sentence were recorded, including: the gratuities to prisoners, where money earned through work was recorded; the marks book, where marks for good behaviour were recorded; the prisoners' employment ledgers showing the prisoners' work; and the prison school records where subjects taught at the prison were recorded. Subjects taught in prison varied from English and Maltese writing to the teaching of trades. Prisoners could also go to the library or be given books from the library to read. The library's inventory shows the books that where available for reading and studying. Most books in the 1850s era were religious books, but some classics were added later. Until 1931, school ledgers and prison industry ledgers were the responsibility of the prison Chaplain. The latter detailed work performed by prisoners sentenced to hard labour and those not sentenced to hard labour. The education and work ledgers are a crucial source of information about what prisoners did during the day.

The prison archives also had ledgers that showed the administration of the prison. These ledgers are routine documents (Hakim, 1983) produced because the prison authorities felt their necessity. They were also state restricted documents (Scott, 1990). Their use is important for the researcher as they give a clear understanding of the administration, costs and the staff of the prison. In this category one finds the prison administration records which deal with various issues such as staff complement, amnesties requested by prisoners, inventories of the various sectors of the prison and so on. The prison accounts detail money paid to staff, to prisoners and to contractors. A separate sector of the accounts includes the stores/requisition for supplies and the fuel bought for prison use. These ledgers not only record the money spent on these items but also show a detailed account of the amounts being used and bought by the prison. Prison maintenance was kept

separate from other accounts from 1926. These records not only give the amount of money spent on maintenance but the actual repairs and who performed them.

The gate porter recorded all entries to the prison in the gate book. Each entry point of the prison had a gate book e.g. the women's section, the debtors' section and the juvenile section. Furthermore, the gate-porter had a special visitors book where entries of special personalities, for example the visit of the archbishop of Malta, would be recorded. Another type of visit is the visits received from members of the prison board. Visits by single members of the prison Board of Visitors would be recorded in the gate-book, but more formal board meeting minutes and observations were recorded in the Board of Visitors' book. These records start only from 1917, so in the first era of the study the researcher had to rely on the annual reports produced by the Board. These might not have a totally faithful narrative of what was happening at the time, as these reports would be publishable. These ledgers are most important for understanding private practice, but they were also used in relation to prisoners' profile and prison regulations. Although people outside the prison would know some of the contents of these ledgers, they were still closed to the public (Scott, 1990). They are regular documents with the exception of the minutes of the Board of Visitors, which are routine documents (Hakim, 1983).

All the above mentioned documents have assisted in the creation of this study. Some were more important than others. Table 3.3 gives the list of the most important documents. As will be seen in the coming chapters some documents have formed the backbone of this research and analysis (most important sources), while others have served to embellish the study (lesser sources). Some ledgers, considered as very important for the research were the admissions ledger, the letter books, the medical journal and the Chaplain's journal. Other ledgers, such as the administration records where used to enrich the data whilst others like the admission index were ignored because they were produced for administrative purpose only and they did not supply any new information.

Table 3.3: List of most used documents

Most Important Sources	**Lesser Sources**
Admission Records (CCP01)	Administration records
Blue Book	Daily Duties by Principal Officer
Board of Visitor's Records (CCP09)	Death Book (CCP08)
Files of the Lieutenant Government's Office	Debtors' Book
Inspector Reports	Detail Book
Dispatches from the Chief Secretary of State	Marks Register
Dispatches to the Chief Secretary of State	Medical Diet Book
Letter Books (CCP06 and 07)	Officers' Misconduct Book
Letters to the Chief Secretary to the Government	Population Census
Medical Journal	Principle Warder's Night Report
Medical Officer Report	Visitors' Report
Prison Annual Reports	Weight Book
Prison Chaplain's Report	
Punishment Book (CCP11, 12 and 13)	
Superintendent/Director's Journal (CCP10)	

The researcher based the choice of ledgers on the amount of data available in them. The more detailed information they contained the more they were used. Ledgers that contained repetitive data, with no research value were discarded. The research proceeds to analyse data for the first era. The research is spread over four chapters, two for each era. Each chapter will be compared with the literature review and as appropriate to earlier chapters of the research. When all the years are analysed the final chapter will draw the comparisons between the years and formulate the conclusions of the research.

Chapter 4: Prisons and Prisoners 1850 - 1870

The purpose of this and the subsequent chapter is to explore the establishment of the Corradino prison in Malta at or around 1850 and to trace its development through to 1870. Each section is explored as much as possible by the triple-barrelled approach of prison regulations, prison practice and prisoners' profile. The prison regulations and other regulations issued during these two decades form the basis of each section, while information from the various ledgers comprises the prison policy and the prisoners' profile. The former shows how things were supposed to be done while the latter demonstrates what was being done. The four theoretical perspectives and the history of prison development will also be taken into consideration in an attempt to verify the hypothesis. No single theoretical perspective explains the establishment of a prison in Malta or the form it took.

Initial attention is paid to the prison and its origins, the way the building was planned and the ideas behind the need for a new prison. This section looks at the various extensions and changes in the building that occurred during this thirty-year span and the relationships that the prison had with other agencies such as foreign and Maltese courts and the police. This is followed by a profile of the prisoners, which shows the type of prisoners that where kept at Corradino. A typical prisoner's profile had been constructed by painstakingly inputting into a database each prisoner's profile from the admission ledgers for the years under consideration.

Penal Estate

The Corradino prison was established by the ordinance published in the government gazette (28th May 1849). The only rules mentioned in this ordinance were that prisoners who assaulted an officer or who escaped from prison would be punished by a term of imprisonment not exceeding two years, whilst those who attempted to escape would be punished by a term of imprisonment not exceeding 12 months. The Corradino prison was certainly completed by 1850. In one of the dispatches it was mentioned that the prison was completed by the end of June 1849, being 'constructed in the plan of Pentonville for reformatory discipline' (NAM, GOV/01.2/24/38). However in another letter, of the 13th November 1849, there was written that the 'prison is nearly completed' (NAM, CSG/04/22:214).

Prison reformation, in the western world, underwent a gradual renovation. It started in the beginning of the 18th century to reach its pinnacle with the Pentonville style of prisons with the arguments on the merits and demerits of the silent versus the separate system where discipline reigned supreme, together with emerging discourse on the philosophy of punishment. Beccaria (1769) established the foundation of the modern criminal justice system, including the idea that an offender should be punished in a proportionate manner for the crime committed, the importance of just treatment and the elimination of torture.

Concerns that prisoners were victims of prison systems were reflected in the Acts of the English parliament of 1773 and 1774, giving power to magistrates to employ Chaplains and select surgeons for prisons (McGowen, 1998:77). This period saw a change in thinking, from punishment as spectacle to punishment tempered by gentleness. Solitary confinement was favoured because through meditation on the abhorrent activities committed, prisoners would reform. Punishment was seen as being inflicted on the soul, in preparation of the life to come. These reformers soon influenced local leaders to experiment with this idea of a new prison. In 1775, the Duke of Richmond rebuilt the Sussex county jail (Horsham) on the principles of single cells, no fees, cleanliness and meditation.

John Howard's book (1777) continued to stress the importance of a clean and organised prison (McGowen, 1998:78). Subsequent reforms in England were George Onesiphorus Paul Romilly who condemned the use of public display in the execution of capital punishment, and the Quakers (McGowen, 1998:84-87). Jeremy Bentham (1843), influenced by Beccaria, planned the panopticon prison – a prison where prisoners were observed without knowing it – and where the spectacle of the panopticon would discourage visitors from criminality. By the beginning of the 19th century, the panopticon had largely fallen into disuse, primarily because it was too expensive to run (Rawlings, 1999:87).

The idea of public punishment was gradually being modified from public punishment to private punishment, with increasing emphasis on moral reformation and religious rebirth. This was mainly due to a change in sensibilities. Arguments regarding prisoners' comfort and others about punishment being simply the taking away of liberty abounded. When the 1830s saw a rise in crime rates penal reformers returned to deterrence, and explored penal experiments in America – including the Auburn (silent) system and the Pennsylvanian (separate) system. The former system was adopted in Pentonville while the later mirrors Bentham's panopticon. Both systems aimed at cleanliness, absolute silence and discipline to reform the prisoner (Barrett and Harison 1999:315). Corradino prison in Malta was built to the prevailing theoretical/architectural matrix of the day, reflecting the dominant ideology of colonial power. Corradino prison was constructed to Joshua Jebb's architectural plan. He took into consideration the two dominant styles of constructing prisons – Bentham's panopticon with a central tower overlooking all the prison cells and William Williams and Thomas Hardwick's model used for the Millbank prison with six cellular divisions constructed in a pentagon style, each connected to a central building that housed the chapel. The Jebb style took the prior styles, modified them and created a more 'modern' style (Dubbini, 1986:37).

When Corradino prison opened its door it was realised that the building had some problems, including a Pentonville-derived problem with ventilation and temperature control of small cells with small windows, by means of valves and tubes built into the walls. Both systems

failed. In England there was an unbearable cold and in Malta an unbearable heat during the summer months. The Superintendent maintained that the problem was due to the unfinished state of the building, but the inspector disagreed as the problem developed six months after the prison opened. He recommended that the ventilation plates should be removed, examined and enlarged. To further control the air and temperature in the prison, a request was made for the permission to purchase instruments for recording temperature (NAM, GOV/10.2/24/38) to be placed around the prison. This reflects the importance given to humane treatment of prisoners. It could also reflect the beginning of the idea that deprivation of liberty alone was punishment enough, together with the elimination of unnecessary hardship or torture – a movement from physical punishment to psychological punishment (Foucault, 1977:76). While these changes were due to the modification in thinking they were also due to a change in sensibilities and a commitment to discipline. Prisoners had to be treated well but they also had to be reformed. Vents to control temperature were certainly innovative and possible luxurious, but Maltese houses would have thick walls, high ceilings and plenty of windows to help control temperature.

The building of the new prison in Malta required considerable thought. Adoption of the Pentonville model required substantial space, not to be found in the capital (Valletta). It was also inappropriate to disfigure a city full of 16th century palaces just as it was to locate undesirable members of society close to the law-abiding population (Dubbini, 1986:49). The same three factors had applied to the adoption of the Pentonville-type prison in Malta. Paola or *Rahal Gdid* (new village in Maltese) was developed after the building of the Cottonera lines, which fortified the three cities of Vittoriosa, Senglea and Cospiqua, in the beginning of the 17th Century. It became necessary to develop new land for building. Grandmaster Antoine De Paule, chose a piece of land near Marsa and named it Casal Paula. The land was marshland with the risk of malaria, and when the Grandmaster saw that people did not inhabit his new village he brought out a proclamation saying that all the debtors that went to live in Paola would be forgiven their debts. This decree was not successful. In 1667, 213 people lived at Paola while in 1851 this went up to only 244 (Guillaumier, 1972:315-7). The fact that Paola was scarcely inhabited, was only two and a half miles away from Valletta and adjacent to the three cities, made it an ideal choice for the prison. These conditions also rendered it idyllic as the site of the principal cemetery in Malta in 1862.

The building of Corradino prison did not stop with entry of the first prisoners. In a letter to the Secretary of State (22nd January 1850) the governor asked for permission to transform the four towers at the corners of the outward wall into houses for the warders and their families. Having warders living away from the prison was causing great inconvenience, both for the warders who had to travel some distance to visit their families and to the prison authorities who were to do without the warders during that period. The towers had no special use therefore they could easily be transformed into four homes fully separated from the inside of the prison. The cost for this transformation was about £175, and had already been approved. In the first quarterly report the

inspector mentioned that the towers were being transformed into dwellings for warders. Furthermore, due to the distance between the prison and the markets, the inspector suggested that the warders should be given rations (NAM, CCP/Inspector's Quarterly Report, 1950). This permission was granted later in the year (NAM, CSG/04/22:381; NAM, CSG/04/22:438-439; NAM, CSG/04/22:502-5). Warders lived under disciplinary mechanisms similar to those that governed prisoners, including having to follow rules and regulations or risk dismissal. The prison Chaplain monitored the conduct of warders, and living in prison quarters made this even more possible (Priestley, 1999:259).

Additional buildings were also needed: a new wing for prisoners convicted for misdemeanours, a provision room and a vestry for the chapel. The prison could only accommodate three misdemeanour prisoners, whilst it was envisaged that there could be some ten to twelve prisoners in this category. The inspector wanted a new wing that could accommodate about fifteen people. A provision room was necessary because prison supplies were kept at the Ospizio prison in Floriana, and collected on a daily basis by the prison cook. This routine led to contamination of wine and encouraged tampering with food (NAM, CCP/Superintendent's Letter Book 1850-53:17/09/50). Making the prison self-sufficient also helped to eliminate contact with other prisons.

The mid-nineteenth century was premised on the belief that prison architecture could be used to change prisoners. The Boston Prison Discipline Society advocated:

> There are principles in architecture, by the observance of which great moral changes can be more easily produced among the most abnormal of our race…. There is such a thing as architecture adapted to morals; that other things being equal, the prospect of improvement in morals, depends, in some degree, upon the construction of the building.
>
> (Flanagan, Marquart, and Adams, 1998:18).

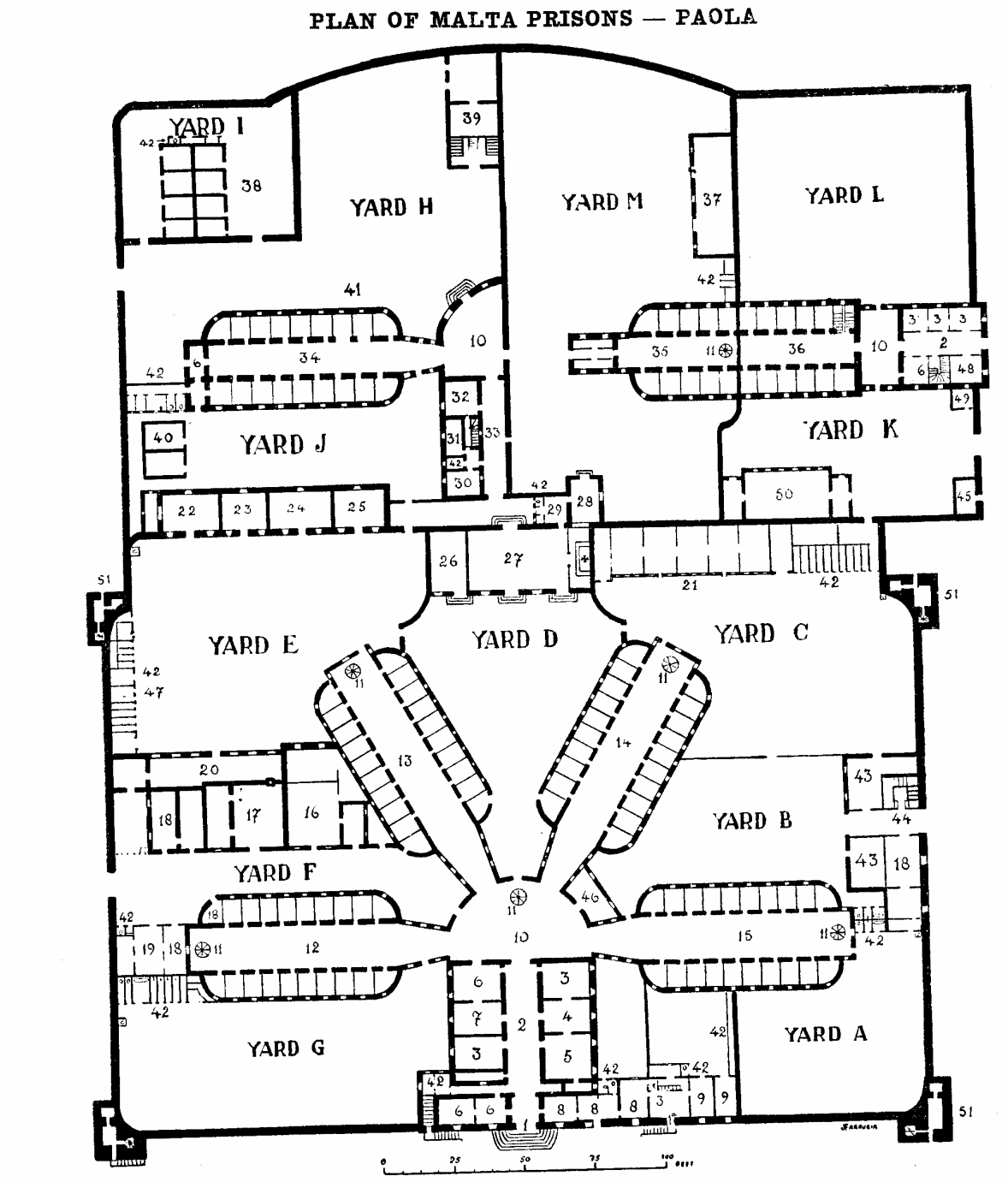
The prison architecture also reflected changes in the thinking about the purpose of imprisonment, from gloomy and forbidding places that signalled doom to airy and well-lit places of instruction not punishment (Pratt, 2000: 421). The façade of the prison had to give a message to the rest of the population (Garland 1990:258). Prisons built prior to the Pentonville model used decorations such as spikes and chains to convey a message of dread. The Pentonville model favoured efficiency and functionality over terror. Although chains and spikes were removed Durkheim and Hay confirm that prison architecture showed society's commitment to punishment and discipline, thereby reinforcing cultural norms and behavioural standards (Garland, 1991:124). The building itself expressed a message – both for those on the outside and for those serving a sentence. The person on the outside would see an inaccessible building, with four towers on each side and a heavy door guarding the entrance. The prisoner would not be able to look beyond the prison walls and would not be able to leave his cell or place of work without permission (Foucault, 1977:173). This was also true in Malta. Less than four months after the prison opened the prison's

boundary wall was judged to be too low, consequently permission was granted to increase its height by three feet in April 1850 (NAM, CSG/04/22:502-5).

The emerging ideology used prison architecture and the prison regime to bring about a change in the criminal; and discipline was to be the fulcrum of reformation. Continual observation of prisoners resulted in absolute control of prisoners. Consequently observation was used to discipline and to change prisoner's attitudes (Foucault, 1977:170). At the same time, changes in thinking were bringing regime modification premised on quasi-scientific approaches, where penalty was increasingly construed as an instrument for changing prisoners' behaviour (Pratt, 2000: 423). Two methods of punishment were being debated, the Auburn and the Pennsylvania system. Both systems advocated silence and solitude to enable moral reformation. It was felt that the church and the family were no longer strong enough to counter-balance the corruption of society. The criminal's upbringing had somehow failed to install in the offender righteousness and moral education. It was thought that a well-ordered institutional regime such as that found in the prison would eliminate this lacuna. This is the primary reason why isolation and silence were of paramount importance (McGowen, 1998:96 and Rothman, 1998:104), each adding its own imperatives to the determinants of prison architecture (see Figure 4.1).

Originally Corradino prison was to be run under the congregate system but this system had to be modified to what was called the 'mixed system', where prisoners were allowed to communicate with other prisoners of the same classification. It was impossible to maintain the separate system in England. It was more expensive than other options and there was no evidence that it prevented recidivism; indeed, it led to rising rates of suicide (Rothmam, 1998:105). It was even more difficult to secure total silence in Corradino because prisoners worked together rather than in solitary confinement. Although Inspector Collings wrote in 1850 that the Maltese temperament prevented the silent system from working, the Auburn-congregate model was proving just as fragile elsewhere in the world. In the quarterly report (1850) the inspector maintained that he had pondered for a considerable time on whether to adopt the mixed or separate system concluding that a purely separate system would be inapplicable in a prison that housed persons sentenced from 24 hours to life imprisonment. He wrote that it was impossible to have a strict separate system before having uniform punishment (NAM, CCP/Inspector's Quarterly Report, 1850). A combination of sensibilities and good sense probably played an important role in developing a prison that was neither too harsh nor too lenient.

Figure 4.1: Plan of Corradino prison as it stood in 1950



1. Main Entrance
1a. Women's Prison Entrance
2. Corridor
3. Offices
4. Conference Room
5. Director's Office
6. Visiting Room
7. Library and Chaplain's Office
8. Matron's Quarters
9. Women's Wards
10. Central Hall
11. Staircase
12. Division 1
13. Division 2
14. Division 3
15. Division 4
16. Bakery
17. Kitchen
18. Stores
19. Coal Yard
20. Bookbinding Shop
21. New Bookbinding Shop
22. Fitter's Shop
23. Tailor's Shop
24. Carpenter's Shop
25. Shoemaker's Shop
26. Chapel, C. of E.
27. Chapel, R. C.
28. Women's Chapel
29. Vestry
30. Warders' Dormitory
31. Medical Store
32. Dispensary
33. Stairs leading to Infirmary
34. Division 5
35. Division 6
36. Old Women Prison
37. Workshops
38. Division 7
39. Gallows
40. Contagious Diseases Section
41. Capital Punishment Cells
42. Baths, Showers, W.C. etc.
43. Mat-making Shops
44. Stairs, leading to Debtor's Section
45. Electric lights S/Station
46. School
47. Barber's Shop
48. Wardresses' Quarters
49.* Wardresses' Kitchen
50.* Laundry
51. Towers

Source: NAM, Annual Prison Reports 1949-55

Construction of the Corradino prison did not stop in 1850. Between 1850 and 1870 the prison's capacity was doubled. Figure 4.1 shows the layout of the prison. In 1850 only wings 12 and 13 were built. By 1860 wing 14, for misdemeanants, was built and by 1870 wing 15 was added. In addition to the prisoners' wings the prison had five rooms that were used as an infirmary, a kitchen, a chapel, four storerooms, a mess room, two workshops, 2 punishment cells, a schoolroom, a receiving room and five offices (NAM, Blue Book, 1860). By 1870 a bathroom, eight storeroom, two workshops and the Protestant chapel were added (NAM, Blue Book, 1870). The construction of a Protestant chapel might have been rendered necessary because of the increase in foreign prisoners, especially those coming from military bases in 1860, but it could also reflect perceived colonial needs. The former interpretation is more plausible because the British Empire never interfered with Roman Catholic religion in Malta and the resident Chaplain of the prison was always a Roman Catholic priest.

In 1850 the prison could house 118 prisoners in separate confinement in two main wings. It also had two dark cells for punishment. It had five rooms fitted as an infirmary, a kitchen, a chapel, two storerooms, one mess room and five offices (NAM, Blue Book, 1850). The need to increase capacity was a product of an expansive mechanism for classifying prisoners, where each category was not allowed to communicate with another, together with an increase in the numbers sentenced to prison. There were seven classes of prisoners. Although seven wings were strictly necessary only four wings were constructed – a case of penal ideology tempered with pragmatism. Reports confirm that the prison was in sound condition, but there was a problem with humidity (NAM, CCP/Inspector's Report 1850; NAM, CCP/Superintendent Report, 1850 and NAM, CCP/Visitor's Report, 1850). Although the authorities tried to solve the problem with a waterproof membrane at the base of the building this did not help. The inspector points to construction defect due to the use of limestone, which absorbs water. He correctly maintains that 'the defect is irremediable' (NAM, CCP/Inspector's Report, 1850:1).

By 1860 a third wing was added. The prison now had 130 cells, housing 94 inmates in separate cells whilst 36 cells could house more than one prisoner (NAM, Blue Book, 1860). In August 1860 the police Superintendent recommended that the debtors' prison should be moved to Corradino and debtors should be transferred there (NAM, CSG/04/32/4613). In this period debtors were kept in the Great Prison in Valletta and they were under the control of the Police Commissioner. The money for their stay was paid privately and the state did not take any recognisance for their upkeep (Attard, 2000:16). During 1860 three debtors were condemned to the debtor's prison (NAM, CCP/Debtors' Book, 1860). At the end of the year it was noted that up to 20 visitors were visiting four debtors at one go. As it was deemed undesirable that other prisoners should see them and they see the prisoners, it was decided to build an iron gate so that the visitors could enter the debtor's section without being seen from the prison (NAM, LGO/38/5604).

Capacity was again increased ten years later as the four wings were completed to give the Pentonvillian look of the 'central hall', as it is known today. In 1870 prison cells were increased to 148, divided into 98 single cells and 50 cells that could house more than one prisoner. Prisoners sharing cells were sentenced for misdemeanours. By the end of 1870 the prison had four wings, two of which could house sixty prisoners each on a separate system on three floors. The other two wings in Corradino prisons had bigger cells that could house two prisoners each (NAM, Blue Book, 1870). Those cells housing prisoners condemned for crimes were 11 feet by eight feet and 10 feet high. Those housing prisoners for misdemeanours were 22 feet by 16 feet and 10 feet high (Attard, 2000:29). If necessary they could house more than one prisoner at a time. These cells seem to have been of average size when compared with the English cells described by Priestley (1999:27) at that time. Furniture in the cell of Corradino prison consisted of a stool whose pedestal was partially in the floor, a table screwed to the wall, and a hammock to sleep on. In Malta all prisoners slept on a hammock. There are no accounts or complaints from Maltese prisoners about the sleeping arrangements, but there were complaints about the diet. Most prisoners probably had rather more comfortable clothing and bedding than they would have had at home. Priestley (1999:32) writes about 'incidents' that happened with the hammock – straps giving way and the poor prisoner being dropped on the floor in the middle of the night – no doubt these accidents occurred in Malta, but the hardship of the cold felt by the prisoner in England would have been worse. If a prisoner in Malta lost his hammock in the middle of a summer night he might have preferred to continue the night on the floor, as this would have been cooler.

Foucault (1977:145) would explain the frenzied building of more cells and prison wings by reference to the spiralling taxonomy of prisoners, for disciplinary purposes, whilst Weber (1922:77) would point to the needs of an expanding bureaucracy. These are not mutually exclusive; the prison was committed to discipline and bureaucracy. The classification of inmates became increasingly bureaucratic in the interest of making the treatment of prisoners, more objective and more specialised. Science was displacing emotion, making equal treatment possible for similarly categorised offenders; with fewer visits of one group of prisoners contaminating another.

The Malta prison reflected the views of Charles Lucas (Inspector General of the French prisons) where prison cells had to have a minimum required standard of comfort, but no more than that found in the lower class population outside prison – otherwise offenders would be given a prize for breaking the law and be tempted to re-break the law (Dubbini, 1986:63). This strongly reflects the utilitarian principle of making the punishment harsh enough so that when the offender weighs the benefits gained from the crime with those to be lost if caught, the criminal would decide not to perform the crime.

The Corradino prison could house prisoners sentenced from the local courts (Criminal Court, the Court of Special Commission, and the Court of Magistrate of Judicial Police), from the Military or Naval Authorities or from foreign courts. No fees were demanded of prisoners. This shows that the state was attempting to treat each prisoner with a degree of equality and uniformity. The days where a rich prisoner could pay to have better food and more comfort were gone. Crime was a product of corrupt morality for which society took responsibility and society then had a responsibility to reform prisons through work and moral guidance (Priestley 1999:59). Law-abiding citizens would pay for the reform of wayward members of society; and charging prisoners' fees was incompatible with this reform zeal. There were limited exceptions. Fees were demanded from the Military and Naval Authorities or from foreign courts when they sent prisoners to Corradino prison, with the exception of those prisoners who were condemned to more than four years imprisonment who belonged to the militia or the navy (NAM, CSG/04/32/5310).

Corradino prison was not intended for use as a remand prison but as a prison for sentenced prisoners. Malta mostly followed the English formula, where individual cells, solitary confinement, prayer and simple work (under the supervision of virtuous warders) would reform prisoners (Priestley, 1999:6). England had different types of prisons (goals, local prisons debtor prisons and so on) but in Malta one prison had to serve a multiplicity of prisoners in a single institution. Castellania prison was closed in 1850, the great prison in 1853 (Attard 2000:22) and the Ospizio for women in 1895 (Attard 2000: 79) leaving Malta to be served by a single institution serving a population of 150,000. The Maltese authorities were influenced by penal reform and thinking that pointed towards different institutions for different prisoners but pragmatic considerations pointed to a single institution

The close contact between prisons, the police and the military can be seen over a number of years and is still felt today. The prison was financed from the police budget and it was the Superintendent of police (NAM, LGO/30/3945 and NAM, LGO/30/4060) who was called upon to pay for any extra expenses. Prior to 1850 jailers and turnkeys were answerable to the Superintendent of the police who was responsible for all prisoners. With the building of the new prison an attempt was made to cut the umbilical cord but with little success. Although the first Superintendent of prison was a medical doctor he soon gave way to a series of police officers and military men. Prison Superintendents/Directors who did not have a military/police background were very rare. Prison Superintendents in England were usually military men (Priestley, 1999:267). Prison governance required a commitment to discipline. Foucault (1977:294) would explain the use of military personnel in term of the army's need for soldiers to move like clockwork and a penal need for a prison to produce docile bodies.

This section shows support for the first hypothesis (prison regulations moved from deterrence and retribution to the punishment of the soul and rehabilitation) and the second

hypothesis (prison practice moved from being austere to a softer mode of punishment). It also shows that the prison regulations did not always reflect the prison practice. The next section will address the social-economic background of prisoners relating to the third hypothesis (the profile of the prisoner in 1951 is not much different from that in 1850).

Prison Inmates

In 1850, with the opening of Corradino prison, the Superintendent was entrusted with the transfer of inmates from the old prison to the new one, assisted by the police and the army (NAM, CSG/04/22:302-3). Seventy-two prisoners condemned for a variety of serious offences (such as murder, grievously bodily harm and rape) were transferred from Castellania to Corradino prison (NAM, CCP/01/1-72). The prison authorities anticipated that the new regime could cause disciplinary problems. Prisoners were kept separately. They were expected to work, to attend religious services and not to engage in frivolous talk. JBH Collings, the Inspector of Charitable Institutions and Prisons, detailed the regime change and hinted at its likely impact on prisoners. The new building signalled a change in the treatment of prisoners. They were treated more strictly, but ill treatment was precluded by the change in thinking. At the same time prisoners were housed in different cells, cleanliness and hygiene became important and ventilation and light added to overall well-being (Ignatieff, 1978). Resistance to change is normative and if Elias (1939:276) was right in writing that changes in sensibilities first occur in the upper classes than it is logical to suppose that when the new prisons started functioning certain habits such as bathing everyday, being afforded privacy for intimate actions and being kept in solitary confinement to repent, were foreign actions to the lower classes. This could justify the worries of the Inspector that the inmates might rebel.

To reduce the possibility of rebellion, some 35 prisoners held at the Castellania were released (NAM, CSG/01/02/25-22). Those released were either foreigners or prisoners who had a very short time left in prison (NAM, CSG/04/22). Expression of the penological change in thinking was more and more complete in Malta than in England. By the early 1850s a new penal estate (albeit a single prison, with a small population) was constructed, all prisoners were transferred or released from the old prisons, and employees of the old prisons were made redundant. The new institution was a triumphant expression of new thinking.

Prisoners housed at Corradino could either be sentenced for ‘Contravenzione’ which are equivalent to the English misdemeanours or for crimes (Prison Regulations 1850: Sec.135). Those convicted for misdemeanours were to be kept separately from others. They were to be kept in a reception cell, other than the common reception cell. These prisoners were expected to maintain themselves, whilst those sentenced for crimes were maintained by the state. The former could receive their own food, clothing and bedding; and they were allowed to have a pint of wine or a quarter of malt liquid daily. If the inmates were not able to maintain themselves any two or more

members of the Board of Visitors would decide their dietary allowance. Persons imprisoned for misdemeanours were not required to perform any labour but they had to keep their cells and their beds clean. They could keep any tools, books or newspapers so long as the Superintendent gave permission. Persons convicted for misdemeanours could receive visitors from their friends at any time between 09:00 and 18:00 hours at the porter's lodge. An officer would be present for all visits unless a Visitor granted written permission (Prison Regulations, 1850, Sec 136-144).

Persons sentenced for crimes were treated differently. This reflected new 19th century changes in penal thinking. The petty offender required less reformation than the more serious offender, so the prison regime would be less demanding. Respect for proportionality in sentencing and the utilitarian calculus of criminality made minor offenders subject to more modest deterrent penalties than more serious offenders. Minor offences caused less unhappiness in society than more serious offences such as those that caused physical harm followed by those that destitute victim (Bagaric, 2001:175). Bentham (1876:171) maintained that punishment served to increase overall happiness in society. This required a careful balance between offence seriousness and subsequent punishment. Anything less would fail to maximise happiness – and this would be unprofitable, expensive and needless. The utilitarian calculus, pragmatism and morality were pushing towards a scientific assessment of offence seriousness and punishment required; and part of this involved an increasingly complex classification of prisoners. In 1850, criminals were classified in seven classes from those sentences to less than three days to those sentenced for hard labour for more than three months. In 1870 classification for those sentenced to imprisonment and hard labour were classified according to the Colonial Act.

This classification meant that during the first six months of the prison sentence prisoners were either kept in complete segregation or allowed to mix with others on limited occasions. This system was gradually relaxed until a prisoner spending more than three or five years in prison, would be allowed to associate with other prisoners of the same class. In 1870 those condemned to simple imprisonment where treated as those condemned to hard labour (NAM, Blue Book, 1870). As prisoners had to be classified it was no surprise that it was felt that more wings had to be built for separation and classification. From the prison ledgers (NAM, CCP/10/1, NAM, CCP/07/2) it emerges that although prisoners of different classes were not to communicate with each other this was impracticable. All prisoners were let out of their cells within a 12-minute period, they attended church service together, and they were sometimes united for educational purposes and work. Additionally, although classes had to be kept separate, the Superintendent could change a prisoner's class (mainly to prevent contamination or subversion) Contact between prisoners was clearly possible, probably inevitable and sometime organised.

The prisoner's body no longer belonged to him. He was part of the system and had to conform to it. Corporal subjugation was part of the process of moral and social regeneration

(Foucault, 1977:164). In the first stage the prisoner would be in total solitary confinement. He would only 'associate' with other prisoners during prayers and exercise. Solitary confinement has been called 'constructive meditation' and the cell used 'the quiet room' (Allen, 1998:17). Solitary confinement was used to bring about the co-operation of prisoners. It was used as a disciplinary procedure or as a punishment by the courts, but the aim was – that of making prisoners conform to the dictates of the people in control under the auspice of reformation through penitential reflection.

In the second stage of imprisonment the prisoner had his meals and worked with others. In the third stage the prisoner would be conditionally released from prison (Priestley, 1999 and McGowen, 1998:93). This system was not totally adhered to in Malta. As there were only two prison wings in 1850 (being increased to four by 1870) any comprehensive classification of prisoners was not possible even though by regulations one wing was occupied by misdemeanants, leaving three wings to be used for prisoners sentenced for crimes. Prisoners of one class were not allowed to mix with prisoners of another class, but in practice, this was not possible. Eighty per cent of prisoners would serve less than one month in prison, and these occupied most of the prison beds. The other prisoners were probably housed together in one wing. Although the change in thinking and the commitment to discipline were important, there was a significant discrepancy between formal requirements and actual prison practice. Prison staff made pragmatic adjustments.

Table 4.1 shows the classification of prisoners in 1870 as constructed from the weekly reports sent by the Superintendent to the governor (LGO/84/8448) and the monthly report sent by the inspector (LGO/48/8530). The classification of inmates was divided into six. There were those condemned by the local courts for: contraventions or failing to pay a fine (detainees) and crimes (Civil Power). The other categories consisted of those condemned by: foreign courts, the military authorities, the naval authorities and debtors (to be kept in a separate area). A cursory look at the table shows that, as expected, most prisoners were, condemned by the Maltese courts. The number of persons held as debtors and those condemned by the military and naval authorities were never more than four. Debtors had to be maintained by the person accusing them of owning the debt, while military and naval prisoners were those members of the army or marine personnel who had committed a crime. The number of prisoners condemned by foreign courts for crimes stood to 20 per cent a number that would have burdened the Maltese authorities. These persons were probably Maltese nationals or British subjects who had committed a crime while abroad, usually in countries bordering the Mediterranean.

Sometimes the prison had more inmates than it could hold (prisoners in excess). Corradino prison faced overcrowding possibly because the period 1850-1870 saw economic strain and an increase in pecuniary offending. On the 30th October 1860, there were fifteen prisoners sleeping in the corridor of the detention division due to overcrowding (NAM, LGO/36/5286). This

Table 4.1: Classification of the number of prisoners in 1870

Date	Detained	Civil Power	Foreign Court	Military Court	Naval Authority	Debtors	Prisoners in excess
10/01/70	44	96	31	2	2	2	0
11/01/70	55	90	31	2	1	3	0
24/01/70	50	90	31	1	1	3	0
31/01/70	42	98	31	2	1	3	0
07/02/70	44	94	30	2	1	3	0
07/03/70	50	99	29	4	2	3	0
14/03/70	58	103	29	4	3	3	9
21/03/70	69	102	29	4	1	2	19
04/04/70	55	99	28	4	1	2	0
11/04/70	55	102	25	2	1	2	0
18/04/70	25	102	25	2	1	2	0
25/04/70	28	108	25	2	1	2	0
02/05/70	45	108	25	2	1	2	0
09/05/70	64	99	25	2	1	1	0
06/06/70	54	101	25	2	0	2	0
13/06/70	58	97	26	2	1	2	0
20/06/70	49	94	26	2	1	2	0
27/06/70	56	94	26	2	1	2	0
04/07/70	60	94	28	2	1	2	0
11/07/70	66	96	27	2	2	2	0
18/07/70	64	98	26	2	1	2	0
25/07/70	67	97	26	2	1	2	0
01/08/70	72	98	27	2	2	2	0
08/08/70	51	100	26	2	2	2	0
22/08/70	54	97	25	2	2	2	0
29/08/70	56	91	25	2	2	2	0
05/09/70	43	91	25	2	2	1	0
12/09/70	66	93	23	2	2	1	0
19/09/70	71	93	25	2	0	1	0
26/09/70	68	89	25	1	0	1	0
03/10/70	65	95	26	1	0	1	0
7/11/70	51	95	25	1	0	1	0
14/11/70	58	92	25	1	0	1	0
21/11/70	72	92	30	1	0	1	0
28/11/70	80	89	30	1	0	1	30
05/12/70	80	92	30	1	0	1	0
12/12/70	90	90	30	1	0	1	0
19/12/70	96	90	26	1	0	1	0
12/12/70	69	87	26	1	0	1	0

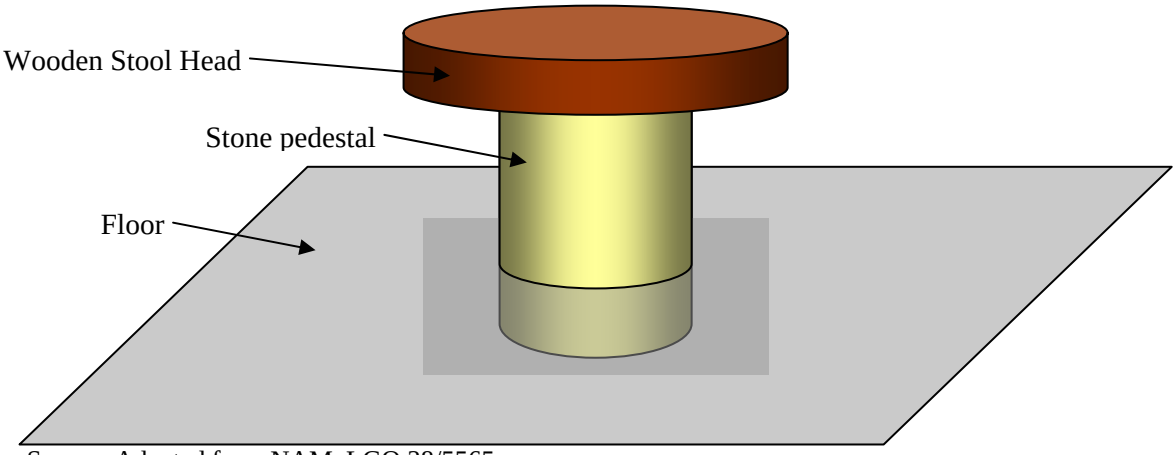
Source: Constructed from the Superintendent's weekly reports to the Lieutenant Governments' office in 1870

overcrowding reached such an extent that on the 28th November the Superintendent asked if he should continue accepting prisoners (NAM, CCP/07/2).

The Superintendent suggested pardoning some prisoners to relieve the overcrowding (NAM, LGO/36/5512). Magistrate Vella (a visitor performing the duties of inspector in the later part of 1860) wrote to the Lieutenant Government Office saying that the overcrowding was so bad that those in detention were kept three or four to a cell, with some prisoners lying on the floor (NAM, LGO/38/5595). The governor agreed to issue some pardons, but he would not pardon

anyone who had a life sentence (NAM, LGO/36/5530). At the end 18 prisoners were pardoned (NAM, CCP/07/2; NAM, CSG/04/32/5375/5392/5400). The Superintendent also proposed that instead of wooden stools, stone stools (as shown in Figure 4.2) with wooden tops should be constructed. These would limit the stool's use as a weapon and its use as a stepping stool by which prisoners could reach the window and communicate. This innovation was accepted (NAM, LGO/38/5565). The stone stool offers a compelling example of the prevailing ideology of punishment. Prison overcrowding threatened the integrity of prisoner classification, it jeopardised the principle of no communication between prisoners, and it made solitary confinement impracticable. Consequently, it diminished the institutional requirement to control and regulate all aspects of the prisoner's daily life, which in turn negated the discipline of punishment and its potential to reform (Foucault, 1977:6 and Priestley, 1999:194).

Figure 4.2: Proposed stool for prison cells



Source: Adapted from NAM, LGO 38/5565

Prisoners could petition the governor for a pardon, thereby receiving immediate release (NAM, LGO/35/5223; NAM, LGO/36/5260/5293; NAM, CSG/04/31/3724; and NAM, LGO/48/7876). Although the majority of a small number of applications were granted, there is no clear pattern about whether pardons were granted or not (see Table 4.2). For example when a prisoner asked that his one-month detention be transformed into a fine so that his children would not be left without supervision, the petition was refused (NAM, LGO/48/8192). In contrast, a prisoner, who had wounded another prisoner, was pardoned because he had almost served his sentence and the victim had forgiven him (NAM, LGO/48/9448). Pardon was not granted for a

Table 4.2: Petitions for pardon refused or accepted by Governor in 1870

Maltese Prisoners	Refused	16
	Accepted	21
English Prisoners	Refused	3
	Accepted	30
Other nationalities	Refused	3
	Accepted	4

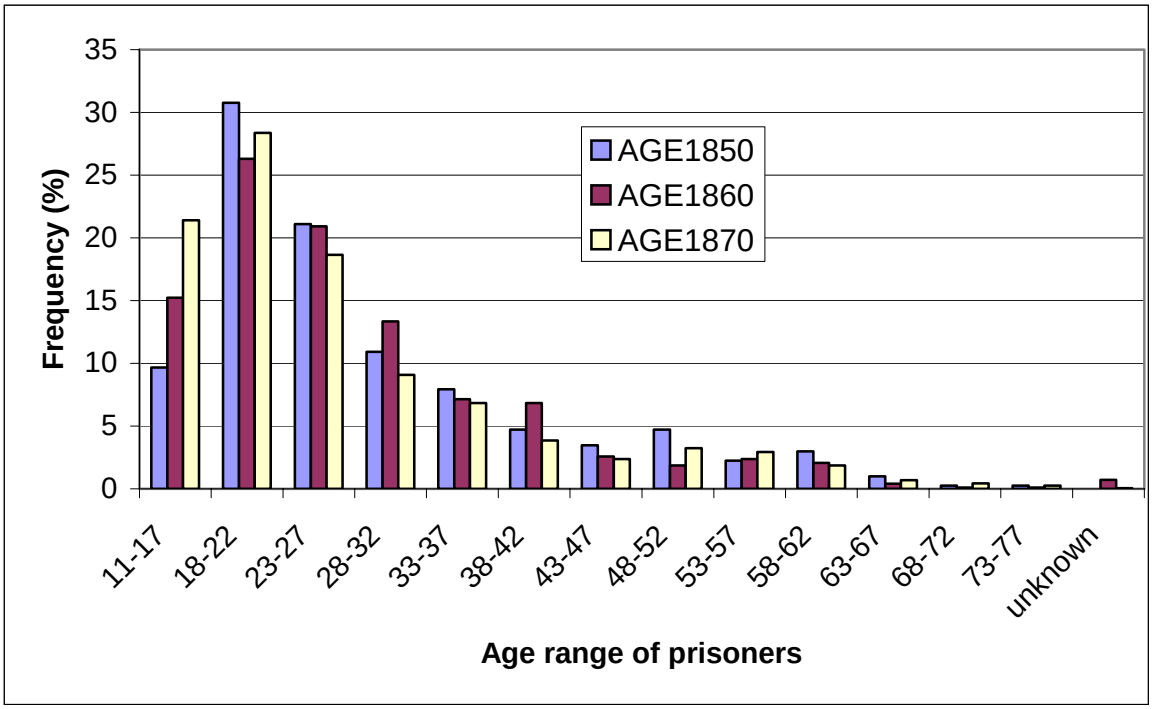
Source: Adapted from NAM, CSG 04

foreign prisoner condemned for life, but the governor recommended that the prisoner should be pardoned at a later stage when he was older so that he could be reunited with his wife (NAM, LGO/48/9514). On the 28th May 1870 an Englishman petitioned the governor on the grounds that his trial was unfair. Although the petition was refused it was suggested that he should ask for a remittal of sentence on the ground that his health was not good (NAM, CSG/04/41/5327). Two days later he was released and sent onboard his ship to leave the island (NAM, CSG/04/41/5336).

Almost all petitions for English prisoners were granted, whilst about half of the pardons for all other nationals (Maltese and others) were refused. Status and standing were considered valid grounds to differential treatment of insiders and outsiders (Hay, 1975 cited in Garland, 1991:203). Maltese judges may have been sentencing English offenders (outsiders) disproportionately severely, giving them grounds for appeal; or the English colonial administration may have been treating Maltese appellants (outsiders) disproportionately harshly, and English petitioners (insiders) more favourably. A more compelling explanation may have nothing to do with discrimination. Most English prisoners would leave the island as soldiers or marines, frequently to a harsh life than that experienced in prison, and often at the request of the military or naval authorities. This reflects Foucault's (1977:178) reasoning that the army, hospitals and educational institutions all served to meet the imperative of producing well-trained bodies; and it was immaterial where this training took place. For example on 21st December 1870 twenty-two prisoners were released on request of the Superintendent of ports, with an order to them being returned to ship and sent home (NAM, CSG/04/42/6281). In 1850, recommending pardons and telling prisoners the outcome received were the duties of the inspector and the Superintendent respectively, but in 1860, both roles fell to the Superintendent of police (NAM, LGO/33/4828).

Between 1850 and 1870 the number of prisoners admitted to Corradino prison quadrupled: 401 in 1850, 966 in 1860, and 1608 in 1870. Prisoners condemned to hard labour or imprisonment were sometimes given additional punishments such as being left for a number of days in solitary confinement, being given only bread and water or being condemned to public servitude. Although the whip was not used as a punishment for disciplinary procedures, prisoners could be sentenced to a flogging by the court, which would take place at the end of the sentence. The flogging, by the police, would take place between the two prison gates, near the guardroom. The prison outer door was to be kept closed (NAM, CCP/Superintendent's Letter Book 1850-53). The prisoner would not be visible to the outside world and neither to the prisoners. Punishment had moved from the outside to the inside. This was due in part to a general change in people's sensibilities (Spierenburg, 1984:183) and the increasingly persuasive view of the elite that public displays of physical punishments were uncivilised (Spierenburg, 1984:185). It also reflected a need to keep events that could provoke unrest or riots away from both prisoners and the general public. Suffering itself was still important as long as it remained hidden but in the hearing of other prisoners to show them the consequence of non-conformity.

Figure 4.3: Age of prisoners sentenced in 1850, 1860 and 1870



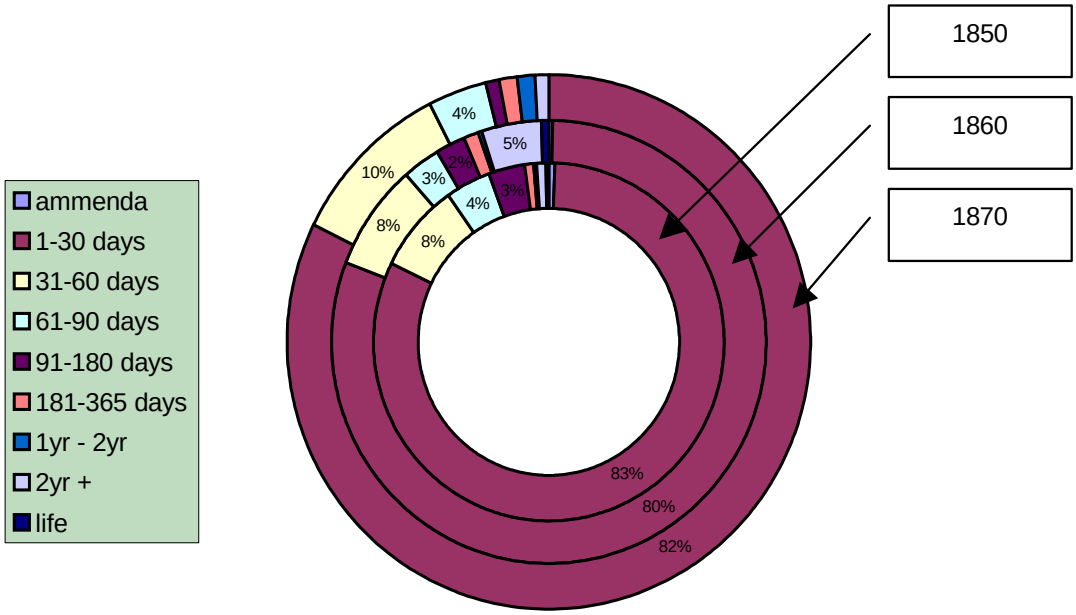
Source: Constructed from the Prison Admission Records – 1850, 1860 and 1870

Figure 4.3 shows a prison full of young people aged between 10 and 27 years. Most prisoners fell in the 18 to 22 years category followed by the 23 to 27 year age group and the 10 to 17 years category. After the 27 year old group there is a gradual tapering off in offenders' ages. The concept of youth crime and juveniles justices was not found before the mid-nineteenth century. Before the advent of the juvenile courts, young people were treated in the same way as adults (Garland, 1991:201). Colquhoum (1806 cited in Rawlings, 1999:97) blamed the problem of youth crime on the lack of moral or religious instructions and the teaching on how to commit crime children were receiving at home. A committee set up in 1817 broadly agreed and proposed the construction of a juvenile prison; and although this idea did not materialise juvenile reformatories started to open. During the 1850s and 1860s, the pressure to do something about juvenile crime increased. It was believed that neglected boys ran the danger of becoming habitual criminals while neglected girls would become prostitutes. The reformatory regimes were aimed at preventing such occurrences (Rawlings, 1999:99). Although reformatories existed, children, guilty of petty crimes were still found in prison.

The youngest prisoner in Malta in these decades was a 10-year-old sentenced to ten days imprisonment for theft. In Malta prisoners less than 18 years of age sentenced in 1850 amounted to 10 per cent. Those sentenced in 1860 were 15 per cent and those sentenced in 1870 were 21 per cent. Most of these offenders were sentenced to less than 30 days for gambling. Crimes committed by children in Malta, although still petty, by contemporary standards, reflect sentences given to adults. Young offenders were sentenced to prison for theft, causing disturbance, causing

bodily harm, throwing stones at the army, entering prohibited areas and vagrancy. Children were treated in the same way as adults but they were not to be given hard labour on the capstan pump. Malta seems to have been spared the ordeal of having under nine-year-olds in prison because the age of criminal responsibility was from 9 years not seven years as in England (Priestley 1999:56). Youngsters in Malta sometime stole jackets or other items of clothing, but this has to be understood in the light of the situation in Malta at the time. People did not have money and most of them wore the same clothes for years. Therefore stealing a jacket was a very serious crime. Clothes were also a means of recognition of one's class. People from the country dressed differently from those of towns and clothes affirmed one's class (Cassar, 1964:104).

Figure 4.4: Length of prison sentence in 1850, 1860 and 1870

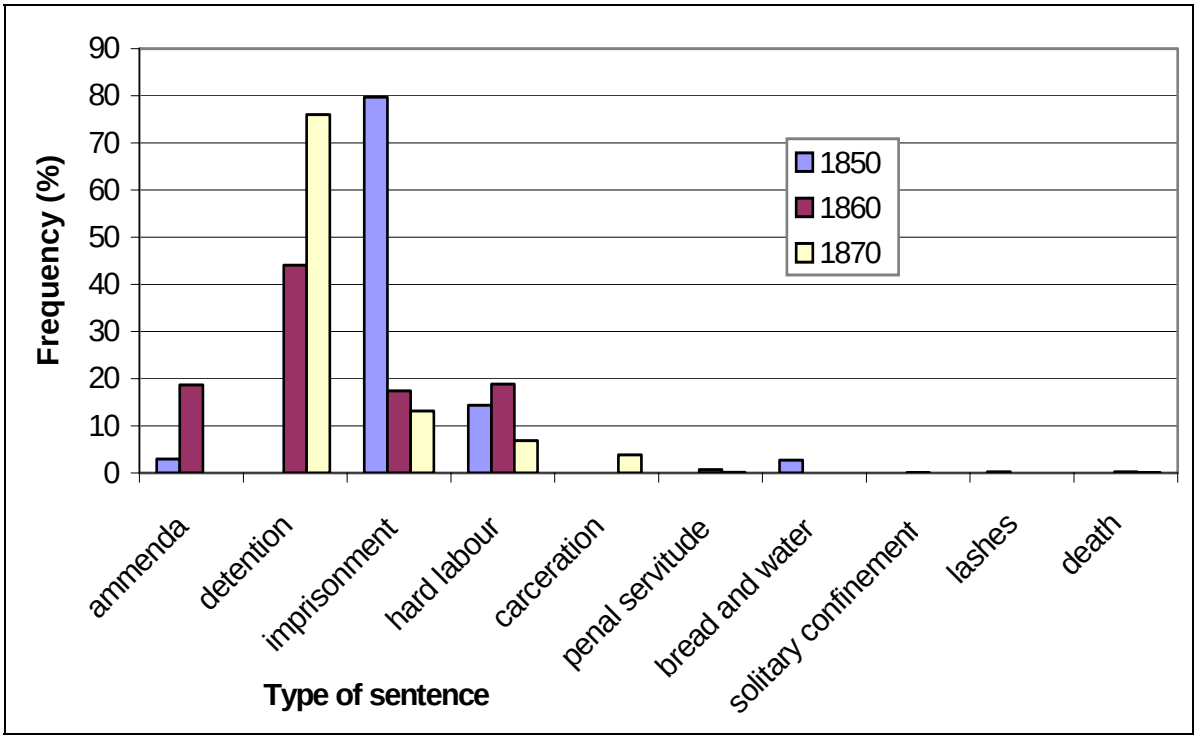


Source: Constructed from the Prison Admission Records – 1850, 1860 and 1870

Most offenders were sentenced to less than thirty days in prison (83% in 1850, 80% in 1860 and 82% in 1870). Prisoners sentenced to more than two years were rare amounting to one per cent, while 90 per cent were sentenced to less than three months imprisonment. In the first three months of the sentence, prisoners were not allowed any visitors, thereafter they were allowed a visit every three months (Prison Regulations, 1850, Sec.79). This meant there were few visitors because nearly all prisoners were sentenced to less than three months (as shown in Figure 4.4). Prisoners could also receive and send a letter every three months. Both visits and letters were subject to scrutiny and could be prohibited by magistrates or the Superintendent. Extra visits could be obtained, but only in exceptional circumstances – for example, in the case where the close relatives of an inmate were emigrating or when a mother was being convinced that her son was dead (NAM, CSG/04/22-23). The very short length of most prison sentences works against securing strong or certain change in prisoners. Opportunity for moral reform would be modest as would the time available for disciple and the production of docile bodies (Foucault, 1977:181). There was little scope to produce the Marxist needs for the labour marker (Rusche and

Kirchheimer, 1939: 12). Short sentences may have had a general deterrent effect, uniting society against wrongdoers (Durkheim, 1893: 102) but there was little prospect of individual deterrence.

Figure 4.5: Type of sentence in 1850, 1860 and 1870



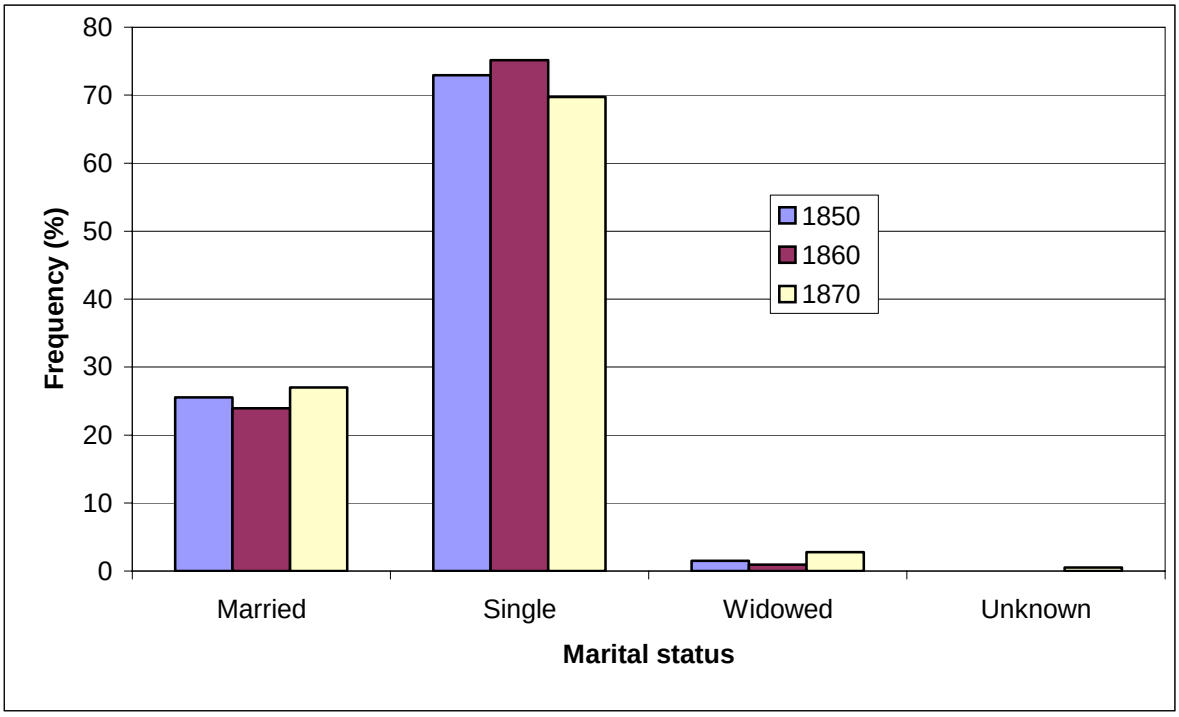
Source: Constructed from the Prison Admission Records – 1850, 1860 and 1870

Figure 4.5 shows that most prisoners were sentenced to detention or imprisonment. No prisoners were sentenced as misdemeanant in 1850, rising to 44 per cent in 1860 and 76 per cent of all admissions in 1870. The absence of misdemeanants in 1850 and the few fine defaulters (ammenda) could be explained because the new prison was intended to cater for more serious offenders. Prisoners sentenced to imprisonment fell from 80 per cent of admissions in 1850 to 17 per cent in 1860, and 13 per cent in 1870. The initial intention to reserve Corradino regime for the reformation of more serious offenders gave way to the prison being used predominantly for short-term prisoners sentenced to detention for none-too-serious offences contrary to the utilitarian perspective (Bentham, 1876:171) but favouring the Marxist ideal. The prison was not being used to reform serious offenders but to model petty offenders according to the dictates of more powerful members of society (Rusche and Kirchheimer, 1939: 12).

The death penalty was imposed on two occasions during 1860. On the 14th May Angelo Farrugia was condemned to death and the sentence was carried out two days later by hanging (CCP/10/1, CSS/85/50). Capital punishment was carried out in public both in England and in Malta until 1868 and 1879 respectively. From 1850 executions used to take place in front of Corradino prison. From 1879 a change in the criminal law saw executions carried out inside the prison. This mirrored the change in thinking found elsewhere in Europe, a change in thought that moved from callousness towards the suffering of others in the seventeenth century to the development of a sensibility that led to the humanitarianism and sentimentality of the eighteenth

century (Garland, 1990:227). The hangman in Malta and England was paid for his services, although it could never have been a full-time occupation in Malta. In order to ready the gallows the hangman in Malta would have the assistance of other prisoners, who would be promised a remission of their sentence. The profession of the hangman was not a popular one. He would be brought in prison a day before to prepare the gallows but also to protect him from the angry mob. In Malta the executioner was paid £3 6s 8d if the execution took place and 2s 6d if it did not (NAM, LGO/33/4895). In London (England), William Calcraft[6] was employed on at £1 1s per week as a retaining fee and given a guinea for each execution (Priestley 1999:243). The prison served as a place to hold the condemned person until the execution (NAM, LGO/31/4593). In the second instance, on the 29th June, Mario Musu and Lorenzo Farrugia, both already serving a sentence, were condemned to death which was later commuted to a sentence of hard labour for life (NAM, LGO/32/4667; NAM/ LGO 32/4685; NAM, CCP/10/1; NAM, CSS/57). The death penalty was used once during 1870 with the execution of Carmelo Camilleri for wilful homicide (NAM, LGO/67/119).

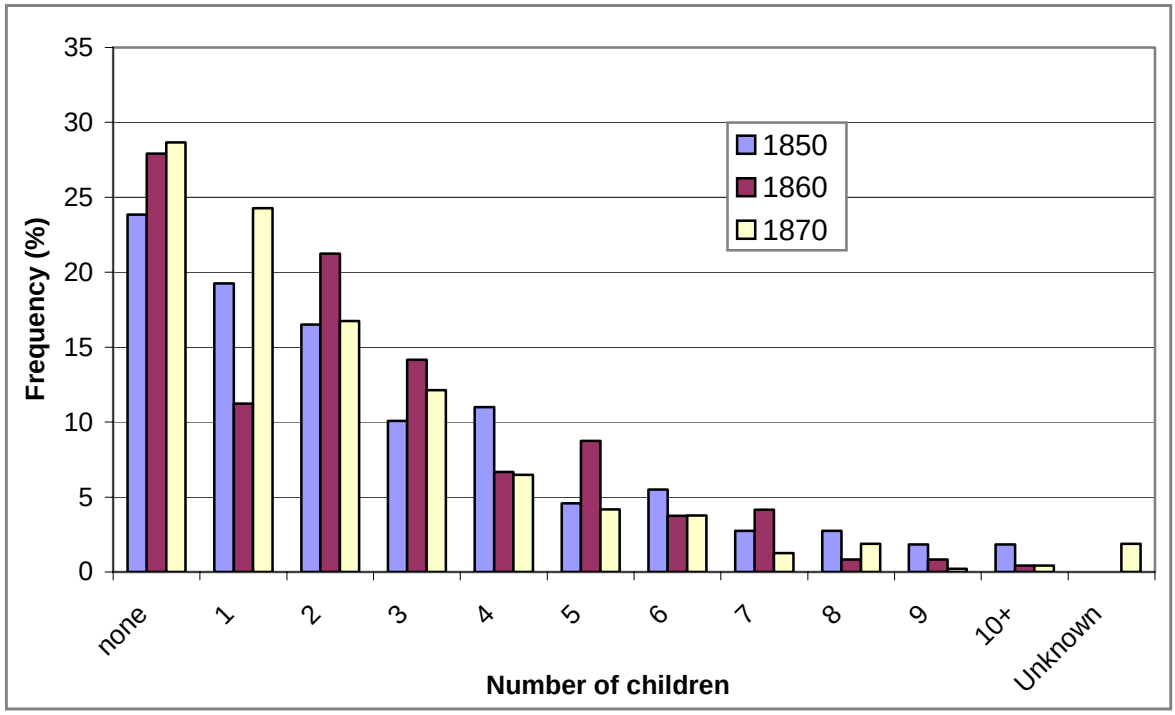
Figure 4.6: Marital status of prisoners 1850, 1860 and 1870



Source: Constructed from the Prison Admission Records – 1850, 1860 and 1870

[6] He was one of the best know Victorian hangman. He served in London between 1829-1874.

Figure 4.7: Number of married and widowed prisoners with children in 1850, 1860 and 1870

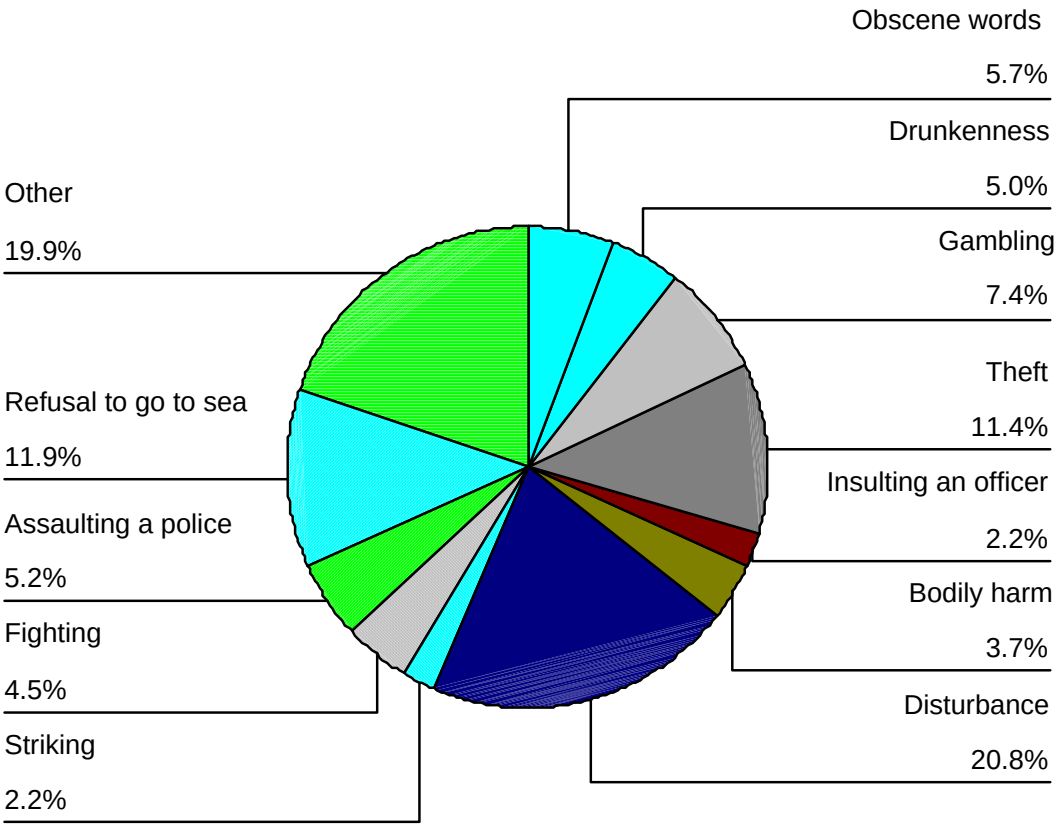


Source: Constructed from the Prison Admission Records – 1850, 1860 and 1870

The majority of prisoners were young and most were unmarried (Figure 4.6). Single prisoners comprised three quarters of the prison population in 1850, 1860 and 1870 compared with unmarried males comprising nine percent of the Maltese population (NAM, Population Census, 1861). About one quarter of prisoners were married (Figure 4.7) of these 25 per cent had no children and 40 percent had 1 to 3 children. There was no recorded single prisoner with children. There were marginal differences only between 1850, 1860 and 1870. Hirschi, (1969) maintains that crime is caused by a breakdown in the social bonds of attachment, commitment, involvement and conventional beliefs. From those prisoners admitted in the years under study who had children, 20 per cent had one child, 16 per cent had two children tapering down as the number of children increased. Hirschi's (1969) four variables influencing crime partially explains why people desist from committing crime. However it is also true that young people are seen as the bearers of social change (Loader, 1996:24) and the enemies of traditional values. Society tends to forget, that the youths of the past, were as troublesome, as the youths of the present. Contrarily they imbued the youths of the past with characteristics of orderly behaviour and discipline (Haines and Drakeford, 1998:4). This could explain why young people are targeted by the criminal justice system. Society wants to mould them according to their norms (Garland, 1991:28) and make them ready for the labour market (Rusche and Kirchheimer, 1939:133).

Figure 4.8 depicts the type of crimes committed by sentenced prisoners in 1850. Most prisoners (20%) were committed to prison because they had disturbed the public peace. Twelve per cent were committed because they had refused to embark on their ship that was leaving Malta, and 11 per cent were found guilty of committing theft. This group was composed of persons who had committed theft from houses as well as pickpockets. The 'Other' category included a multitude of crimes ranging from murder to driving without a licence, from rape to selling curdled milk and from committing incest to throwing dirty water in the streets.

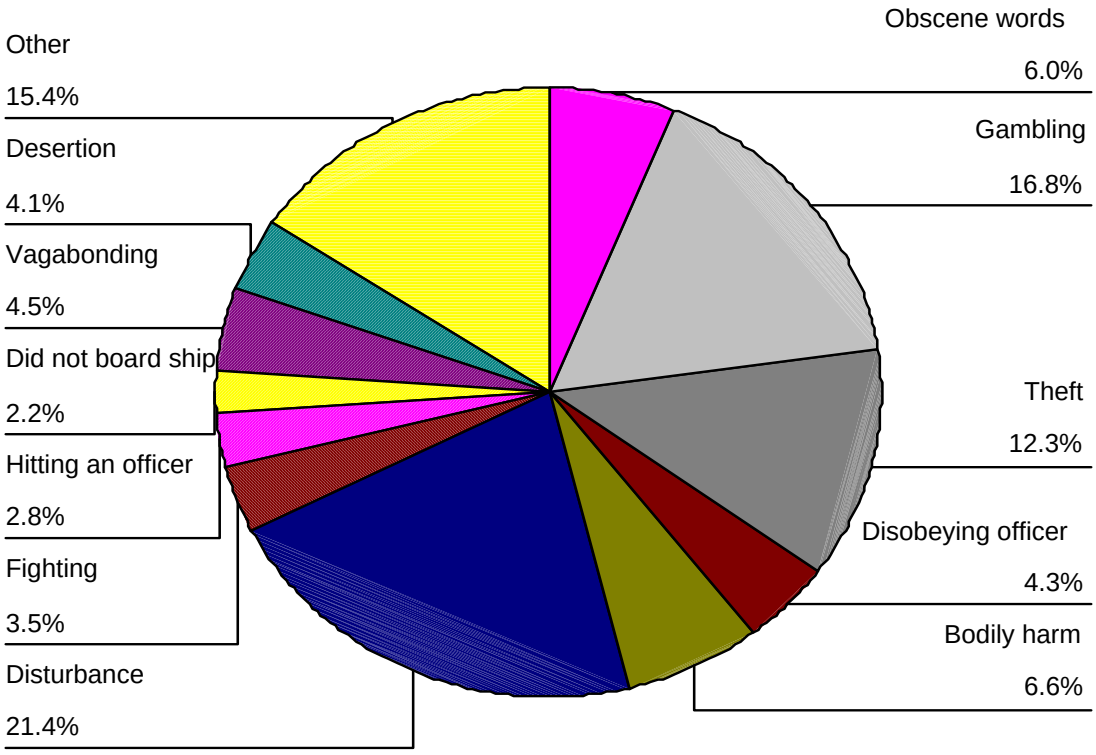
Figure 4.8: Type of crimes committed by sentenced prisoners 1850



Source: Constructed from the Prison Admission Records – 1850

Prison committals for 1860 are shown in Figure 4.9. The most common crime was still that of disturbing the public peace (21%) followed by illegal gambling (16%) and theft (12%). Persons not wanting to go to sea went down to two per cent but four per cent were found guilty of desertion. A new category not featuring in 1850 was that of vagabondage (4%). This is a clear example of the prison being used to control the poor. It might also have been an attempt to control the invasion of Italians seeking refuge in Malta after Italian unification in 1859.

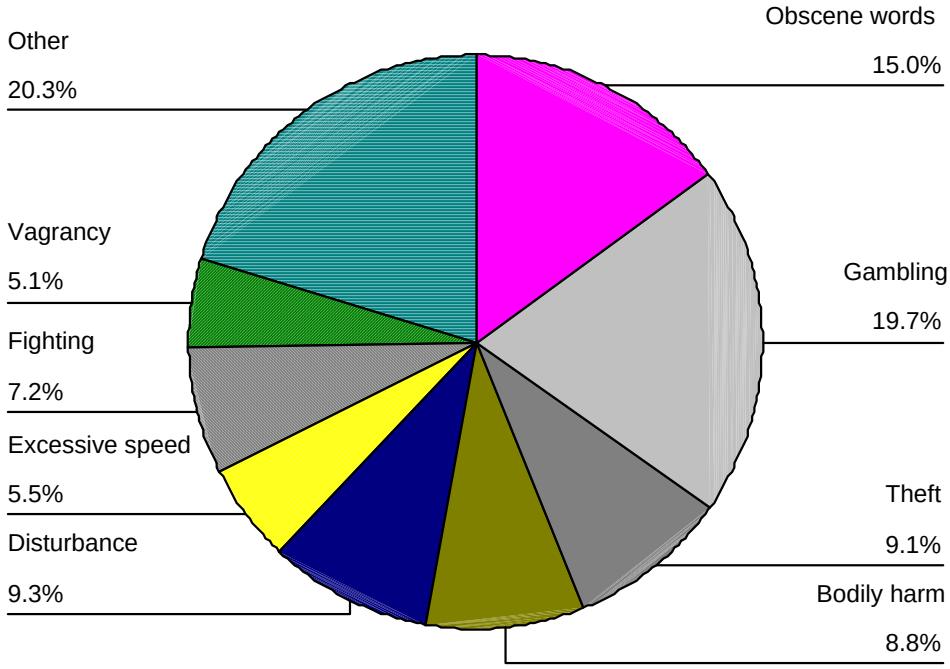
Figure 4.9: Type of crimes committed by sentenced prisoners 1860



Source: Constructed from the Prison Admission Records – 1860

Figure 4.10 shows the crimes committed by prisoners admitted to prison in 1870. The most common offence was that of illegal gambling (19%), followed by uttering obscene words (15%). Causing public disturbance is the third most common crime (9%) while theft fell to the forth place. Prison receptions by offence type (1850, 1860 and 1870) offer an interesting hierarchy of offending behaviour. Disturbing the peace comprises 1 in 6 (17% overall; 20.8% in 1850 21.4% in 1860 and 9.3% in 1870). Gambling comprises 1 in 7 offences (14.6% overall; 7.4% in 1850, 16.8% in 1860 and 19.7% in 1870). Theft comprises 1 in 9 offences (10.9% overall; 11.4% in 1850, 12.3% in 1860 and 9.1% in 1970). A crime absent from 1870 is 'refusal to go to sea' and 'desertion'. This can be explained by the end of the Crimean War and the settlement of the Unification of Italy. This most probably resulted in less military personnel being stationed on the island. For the period 1850-1870, the three offences of disturbing the peace, gambling and theft account for 40 per cent of all prison receptions. Disturbing the peace and gambling alone account for 32 per cent of all prison receptions. There is also a significant undercurrent of violence: assaults, fighting, striking an officer and causing bodily harm combined, account for between 13 and 16 percent of all offences during the period 1850-1870. Few persons were incarcerated for serious crimes (4.4% in 1850, less than 1% in 1860 and 1870). These included murderers, rapists and traffickers of people.

Figure 4.10: Type of crimes committed by sentenced prisoners 1870



Source: Constructed from the Prison Admission Records – 1870

This pattern of criminality is associated with lower or working class behaviour. An element of the culture of the lower class is 'fate' (Miller, 1958:16). The lower classes like to gamble with the hope that their luck will change and they will become rich. Other focal concerns in the lower class culture are trouble, (getting in and out of trouble), toughness, smartness (as in being street wise), and looking for excitement. All these characteristics have a tendency to land one in trouble. Most crimes fall into this spectrum. People get into trouble because they are looking for some excitement and end up fighting, gambling or drinking, possibly combined with theft. Most crimes were not serious. Conflict theorists such as Vold (1958) would maintain they represent one class struggle against the other. The actions of the lower class are judged as criminal because they threaten the *status quo*.

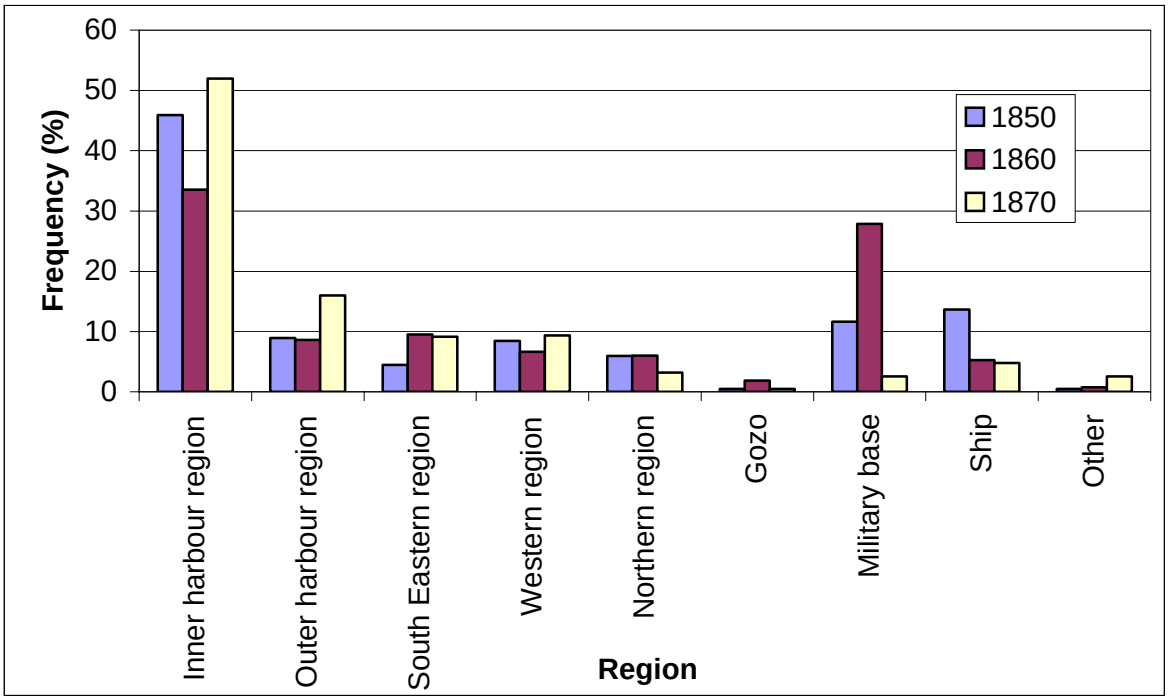
Prison sentences were often extreme and sometimes peculiar, when judged by contemporary standards. For example, in 1850, two people were condemned for five years, hard labour with a chain tied to their ankle and having to perform public works for stealing a handkerchief. In 1870 a person was condemned to 70 days detention for stealing some grapes, and another to three months hard labour for stealing a cloth jacket, while 5.5 per cent were sentenced to excessive speed whilst driving a horse, carriage or cart (NAM, CCP/01/27-28). From the 1870 admission ledger, it appears that it was possible to brand an offender. The Court Martial condemned an offender for five years penal servitude after which he was to be discharged with dishonour and marked with the letters BC (branded criminal) (CCP/01/27/484–5). The branding did not take place in the Maltese prison as the offender was sent to the UK before the expiration of the sentence. Until the enactment of the new criminal code in 1854 the Maltese criminal justice

system was harsh, the death penalty being available for grave bodily harm not just murder (Scicluna, 2000).

Figure 4.11 shows that the majority of prisoners came from the inner harbour area (44% overall: 46% in 1850, 34% in 1860 and 52% in 1870). Ten per cent of prisoners came from other areas in Malta, with even fewer prisoners from Gozo. The proportion of military prisoners rose from 12 per cent in 1850, to 28 per cent in 1860 and dropped to 2 per cent in 1870. This increase in 1860 could probably be explained by the expansion of the British navy in Malta. In 1860 a fight between the British navy and the chamber of commerce occurred, as the former wanted to take over the French creek to transform it from a mercantile base to a navy base (personal communication, R. Mangion, 10/04/02). This led to a higher increase of Englishmen on Maltese soil. In 1859, due to the Italian unification many Italians came over to Malta. With more foreigners on Maltese soil foreigners in prison were bound to increase. This led to an agreement between Italy and Malta to regulate the transfer of criminals (Ordinance 1 of 1863). On the international setting one finds the end of the Crimean war and in the 1860s a great movement of immigrants and emigrants around the Mediterranean. All this could have contributed in the increase of foreigners in the Maltese prisons, although the researcher suspects that the principle cause was that of the expansion of the British navy and Italian unification.

The inner harbour region is the most industrialised place in Malta. With the advent of the industrial revolution an influx of people going to towns and cities occurred. Richards (1977:202) places the peak of the industrial revolution in England around 1850 with other European countries following. Marx (1959:334) maintains that with the advent of the industrial revolution the mode of

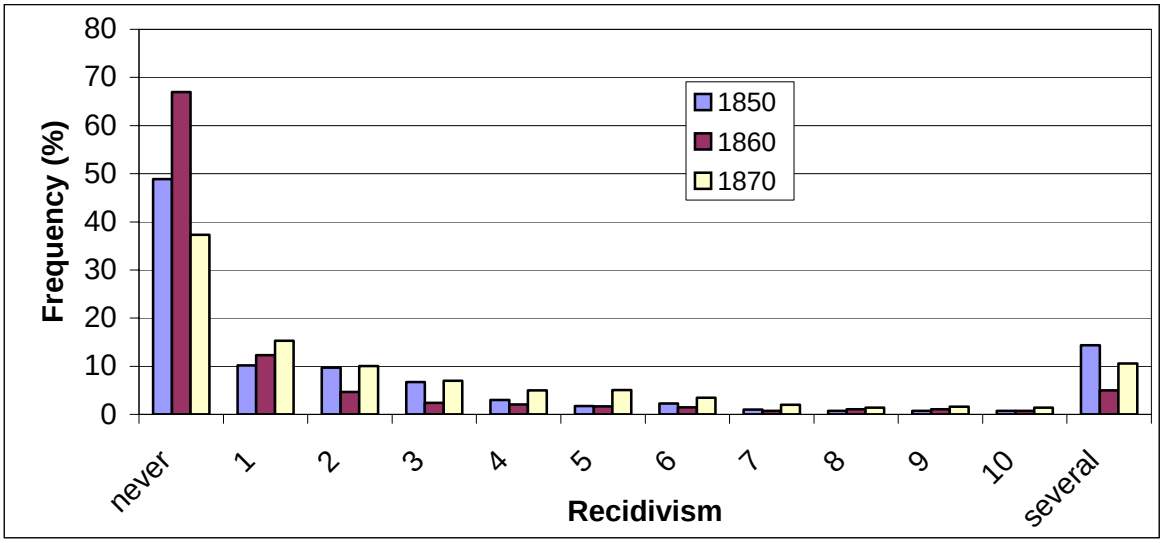
Figure 4.11: Place of residence of prisoners prior to imprisonment in 1850, 1860 and 1870



Source: Constructed from the Prison Admission Records – 1850, 1860 and 1870

production changed. Peasants with small parcels of land could not compete with the big landowners and they were forced to abandon their lands to seek work in the cities. Here working conditions were poor. Although in Malta there was no great movement of people from the countryside to the towns none the less some movement occurred. These people would not have known the ways of the city and they could get into trouble much easier. Another factor contributing to the overrepresentation of criminals in the inner harbour area is that proportionately more people lived in a smaller area and there was more opportunity to commit crime. Both these factors coupled with the fact that the upper classes wanted to control the lower classes to avoid any form of revolt and to train them for the labour force (meeting the needs of the state) would have made the prosecution of lower class individuals more probable.

Figure 4.12: Recidivism rates of sentenced prisoners in 1850, 1860 and 1870

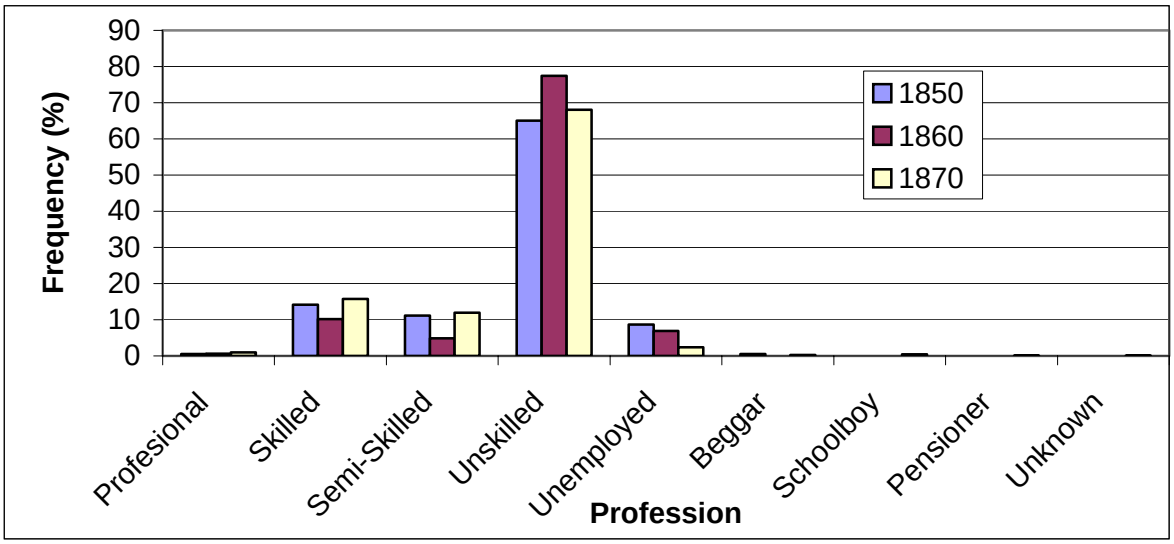


Source: Constructed from the Prison Admission Ledgers – 1850, 1860 and 1870

The vast majority of offenders were sentenced to imprisonment on their first conviction (Figure 4.12) 49 per cent in 1850, 67 per cent in 1860 and 37 per cent in 1870. Somewhere around 20 per cent of offenders had already received one or two previous convictions – 20 per cent 1850, 17 per cent in 1860 and 25 per cent in 1870. The remaining prisoners had three or more previous convictions. The first time, young offender facing the strict prison regime could be reformed; this partially explains why the authorities were happy with the new system on its inception as the shock caused to first time offenders was probably having the desired effect. However there was a dwindling of this effect within the twenty-year period under consideration, with more recidivists and more prisoners entering prison than in the inception of the new prison system. The solution to crime was not found. The change in thinking and the commitment to discipline were to no avail, but the prison although failing, continued to exist. Cohen (1979:407) justifies this as prisons serve as boundaries of who is right and who is wrong. Durkheim (1983:102) would go even a step further in saying that prisons help in uniting society against the wrong doer. While Ignatieff (1978:143) would write that prisons continued to exist because prison reformers convinced those of

their same socio-economic background that there was a link between criminality and the social-economic changes of the time.

Figure 4.13: Profession of prisoners prior to imprisonment in 1850, 1860 and 1870



Source: Constructed from the Prison Admission Ledgers – 1850, 1860 and 1870

Beggars and vagrants formed a substantial amount of the unemployed in Figure 4.13. Most young men would leave their villages in search of adventure and work. These would go to the harbour areas hoping to find work. When this failed, they would end up begging and leading an idle life. Most prisoners in Corradino prison had been unskilled workers (65% in 1850, 78% in 1860 and 68% in 1870) before admission. Unemployed people committed to prison amounted to 9 per cent in 1850, 8 per cent in 1860 and 2 per cent in 1970, while professionals were less than one per cent of all admissions during 1850-1870. Skilled workers varied between 10 to 15 per cent during the three years while semi-skilled workers averaged 10 percent overall (11% in 1850, 5% in 1860 and 12% in 1870). This is reflected in Kingsmill (1854 cited in Priestley, 1999:59) who writes about the work of the first thousand men to enter Pentonville. It continues to be sustained by Thomson (1952) who gave an account of prisoners in Northampton and Cardiff. These lower class prisoners had been brought up roughly with no morals. Thompson calls them 'savages' that is, working class men who worked in industry. Industries were primarily factories run under a regime of division of labour, which led to new social relations between the owners and the workers (Abercrombie, Hill and Turner, 1988:123). These men filled the English prisons. Although the picture is similar in Malta, the industrial revolution did not hit Malta to the same extent. Malta remained to a certain extent a rural community. Most prisoners would be hawkers and servants – the most common jobs that were available in the era. The 1851 census shows that about half of the Maltese population lived in the inner harbour area, with 41 per cent of the total population described as 'poor or lowest class'. The data shows that most of the poor lived in rural areas. Valletta (the capital city) had the least amount of poor people, having half of its population in the 'middle class' but most prisoners came from that area. This is not surprising, as Valetta was the hub of activity with the British navy bringing in business. In 1851, 36 per cent of the population

was unemployed and 8 per cent were professionals. Less than 0.1 per cent of the Maltese population was in prison (NAM, Population Census, 1851). Within 10 years, the population had grown by 10,000 people to 134,055. Emigration and immigration were at a steady level, with approximately the same amount of people departing and arriving back to Malta. People mostly emigrated to Barbary and Egypt (NAM, Population Census, 1861). Approximately half the population still lived in Valletta, its suburb Floriana and the three cities. The percentage of the Maltese population in prison, during 1871, rose to 0.15 per cent (NAM, Population Census, 1871). This increase is clearly shown in the prison admissions. Kingsmill (1854) and Thomson's (1952) account reflect the Marxist view that prisons were used to supply the labour market. Prisons not only served the needs of the state but also, transformed the prisoners' behaviour as was required by society through discipline (Foucault 1977:294).

Discussion

As had been noted the Corradino prison received its first inmates in 1850 (NAM, Letters to the Secretary of State). On the 21st of December 1849 Dr V.D. Portelli, (the Superintendent of the prison), the assistant Superintendent, the Chaplain and other officials took an oath of obedience to Her Majesty (NAM, CSG/04/22). The need for a change in prison regime was due to the influence in the change in thinking regarding prison in other countries, especially in the British Empire, the plight of prisoners and the problems in recidivism. Prisons prior to the reform were conducted like business as jailers earned their living from what they could get from prisoners. Prisoners usually established their own rules and regulations by which disputes were settled. Prisoners were happy with the state of affairs and the lack of riots and lack of petitions during this period confirms this interpretation (McGowen 1998). Besides the physical environment of the prison another rising concern was the philosophical reason of punishment. According to McGowen 'the plight of prisoners was described in the most heartrending terms (1998:77).

The Castellania Prison was run in a similar manner with prisoners kept in dormitories. They could freely communicate with each other and were idle. Dr. Portelli in a letter to the Secretary of State (NAM, GOV/01.2/24/19) wrote that no employee of the old prison was qualified to work in the new prison. He proposes to pension off the jailer, the physician, the Chaplain and clerk, and to transfer the turnkeys to the police force. Approval for the employment of the new warders arrived on the 18th December 1849, who, were to start training immediately (NAM, CSG/04/22: 289). The prison officers of the new prison were to be different than those found in the old prison. They were to reform prisoners rather than corrupt them with their immoral practice (Foucault, 1977:294). The new prison was to bring about a new beginning for the treatment of prisoners. This was to be a fresh start from a prison riddled with corruption and ill treatment to one where punishment was tempered by gentleness and reform. The silent system was adopted although the architectural style could also accommodate the separate system. This was mainly due

to having a prison that had to accommodate all types of prisoners, the expenses involved in running the separate system, and the fact that it was not scientifically proved that the separate system was more efficient than the silent system. By itself the creation of the new prison demonstrates that the first two hypotheses will probably be accepted.

The architectural style reflects a change in thinking about prisons and prisoners. New prisons were built to reform the prisoners. They were well lit and clean, and the influence of science was felt in the building. Everything was aimed at producing the perfect apparatus to morally reform prisoners. The new prisons also served as a means of uniting society against the morally wrong. The way they were built emphasised the separation between the law-abiding members of society and the rest. The walls, the control on the visitors and the isolation of the prisoners emphasised Durkheim's (1893) idea of social solidarity. In the building of the new prison there is an element of Bentham's (1876) utilitarian principle. The cells had to be comfortable but not to the extent that prisoners found more comfort in the prison cells than they did at home. If this were the case prisoners would have preferred to remain in prison which would have defeated the aims of deterrence and reformation. The change in prison architecture was also brought about because of a change in the people's sensibilities. Society did not want its prisoners to be treated in a cruel manner but most of all they found the spectacle of suffering abhorrent (Spierenburg, 1984:184). Therefore punishment moved behind walls, torture was eliminated and the regime focused on the psychological punishment of isolation. The prisons were rendered more comfortable, with vents to control the temperature in the prisons and with cells that usually housed one offender.

The aim of the new building was also to bring discipline to the prison system (Foucault, 1977:122). The new building had to give the impression to prisoners that they were entering a place of instruction. The first impact with prisoners was important, as this would set the tone for the rest of the prison sentence. Not only were prisoners to be totally controlled through observation but also through isolation from each other and the rest of society. The walls, the four towers and the gate effectively controlled communication with the outside world. The thick walls between the cells and the strict regulations attempted to control communication between prisoners. The building of more wings and the debtors' prison are further testimony of the attempt at controlling any form of contamination.

The analysis of the prisoners' profile revealed, that a typical prisoner in Corradino prison during 1850-1870 was male, sentenced to imprisonment for less than three months for some petty crime. He would probably be Maltese, between the ages of 17 to 30, single with no children, unskilled, a first time offender, unlikely to be literate and living in the inner harbour region before conviction. The prisoners' profiles were a starting point in addressing the third hypothesis (the profile of the prisoner in 1951 is not much different from that in 1850).

Punishment has a penological and an important social component. Rusche and Kirchmeiner (1939) argue that to look at punishment as a consequence of crime is to take a reductionalist view of the phenomenon. The penal institution is but one of the other institutions playing a part in controlling people. Therefore laws against vagrancy and begging were enacted. Laws aimed entirely against the poor. Almost all of the criminal courts' work were and are directed against the poor, those with low education and lower class citizens. Once prosecuted, they are punished through a system that resembles the factory, where production and work are given the utmost importance. The prison is a system where the fight between the proletariat and the bourgeoisie continue. This account seems true in the Maltese context. Most prisoners came from the lower classes and were prosecuted for petty offences. Offenders coming from the middle or professional classes were those who had committed serious offences that could not be overlooked. The prisons were machines where prisoners were transformed according to the needs of the state.

Although a great emphasis was put on the equal treatment of all prisoners they were not all treated the same. When, in November 1850, Vittorio Micciarelli, an Italian editor of a Maltese journal was sentenced to imprisonment, the inspector wrote to the Superintendent that Micciarelli was to be treated as a prisoner convicted of '*contravenzione*'. He was allowed to wear his moustaches, allowed free range of the prison, and to take exercise in the prison from the hour of unlocking to the hour of locking. He was even allowed to see his friends from 09:00 to 17:00 hours, in his room as soldiers occupied the reception room. Furthermore, his rations were to be on the same scale as those of the warders. Mr. Micciarelli was to sustain himself in prison, if he was unable to do so the Roman consul should pay for his expenses (NAM, CCP/Superintendent's Letter Book 1850-53). Differential and preferential treatment reflected the status outside prison. Being a newspaper editor he was not seen as needing reform. He came from the same background as the adjudicators, the prison authorities and the government officials. He was also a foreigner – a fact that might have contributed to his preferential treatment.

Hay (1975, cited in Garland, 1991:203) maintains that status and community standing were a justifiable method of discrimination in the treatment of prisoners. The prison, as an institution, portrays an image of an institution that benefits society, thereby justifying its existence and gaining the support of society; but if one removes the benevolent disguise what remains is a prison that serves the interests of the dominant classes. Rusche and Kirchheimer (1939:12) stated that by looking at punishment from a historical perspective, when labourers were easily found the ruling classes could afford to be careless with human life, hence the frequent use of the death penalty and corporal punishment. With the advent of the industrial revolution more labourers were needed therefore, punishment underwent a change – the use of prison and the transformation of prisons into places of hard labour, according to the needs of the state. Malta in the mid-19th century was marked by an economic boom as a result of shipping activities in its ports because of the ongoing

wars in Europe. Prosperity was mainly felt in the port areas with people moving towards the inner harbour region to work and earn money. Although, Malta essentially remained an agricultural economy the demand for a larger labour force in the dockyards and the ports (Clare, 1988:148) makes the use of Rusche and Kirchheimer's theory necessary. Laws and punishments are also dependant on the standard of living. When work is scarce, the lower classes might be tempted to turn to crime to sustain their standard of living, so the criminal law has to impose harsher penalties to discourage potential offenders. Pushukanis (1978:177) agreed with Rusche and Kirchheimer that the criminal law is there to protect the interests of the dominant class. He maintained that theorists like Durkheim, who do not take into account the class dimension, were helping to maintain the *status quo* by perpetuating the idea of a single class that in reality does not exist.

The prison was not limited to controlling criminals, but to controlling the working class by using discipline and the example of the criminal to control their actions (Foucault 1977:272). If the prison experience, was not enough than solitary confinement would be used. The prison was used to facilitate and impose a new morality, so as to enable the social reintegration of prisoners. The classification and the segregation of prisoners were used for this purpose. Although the prison regulations and the way the prison was built delineated in the most exact way possible how prisoners had to be treated, reality fell short from the ideal. Strict segregation was improbable and probably not desirable. While the regulations were drawn by policy makes, influenced by the change in thinking and the new scientific theories, the prison administration had to rely on common sense for the smooth running of the prison. Malta, being a colony of the British Empire, was strongly influenced by the prison regulations issued at the time in England. Although the regulations were broadly followed, certain concessions had to be made. The data strongly indicates that the Maltese prisons were more lenient that the English prisons. This was probably because the Maltese prison had to house different prisoners convicted for different crimes. In four wings prisoners convicted for not paying a fine had to be kept in the same prison with those who had committed murder. This plethora of offences and the variation in prison sentences (from one day to life) necessitated some common sense working in association with the prison regulations.

From the treatment that prisoners were receiving it emerges that the policy maker was conscious of the people's changing sensibilities regarding the treatment of prisoners. While imprisonment was hid from society so were certain punishments – flogging, branding and the death penalty. The latter were not only hidden from society but even from the prisoners themselves. Nevertheless, in order to ensure the deterrent effect of these punishments, people (society at large and the prisoners) had to know that these were taking place. Therefore flogging and branding were executed between the inner and the other door of the prison and when the death penalty was moved inside the prison walls a large black flag was hoisted on the outside gate of the prison. The idea was to protect peoples 'sensibilities' by not showing them the details of the punishment but also to remind them of what could happen should they not conform to the laws.

This chapter has offered details of the prison estate and prisoners in Malta 1850-1870. An attempt has been made to unite the findings with the four-pronged theoretical approach, compare them with the way things were run outside Malta, and conceptually start to address the hypotheses. The next chapter will continue with the analysis of the same period but this time focusing on the prison regime and the way the prison was run. In this part more indications about the more lenient treatment of prisoners in Malta, when compared to Britain, will be found. The researcher will also attempt to give the reader a flavour of what a prisoner in Malta would have had to face in the mid-1800s. The study also explores the use and deployment of prison staff, both those in the lower ranks and those who gave orders.

Chapter 5: Prison Regime 1850 – 1870

The public and political outcry created by the end of transportation in the 1850s led to new-style prisons that would reform hardened criminals primarily through hard labour and public works (McGowen, 1998:95). In order to reform prisoners a strict prison regime was necessary. This chapter looks at the prison regime in the Maltese prisons between 1850 and 1870 with a special interest in prison conditions and prisoners' experience of daily life in prison, including an assessment of: security, infractions and discipline procedures; quality of life indicators from prison diet to expectations of work; and how officers and warders of the prison interacted with prisoners. Prison regulations and prison practice are compared to those found in the United Kingdom. The theoretical framework is superimposed on the finding to assess the contribution of the three hypotheses to understanding the mid-nineteenth century Maltese prison regime.

Prison Routine

Communication was an important aspect of prison life. The silent system in Malta was compromised by the heterogeneity and mix of prisoners. Solitary confinement proved impracticable, especially for long-term prisoners. Prisoners' accounts from England are full of the examples of how prisoners managed to communicate (Priestley, 1999:87). There were, however, differential responses to such defiance. In the English prisons most of the caught infractions were punished, but in Malta only actions such as trying to pass some bread or other items form one cell to another were punished. From the ledgers, it seems that some talking was permitted or at least ignored. The strict separation enforced in other prison establishments was not found in Malta. Prisoners were taken to church as a group, they worked together in the workshops or in the division's corridors and they communicated with other prisoners' visitors and the sentry guards. The latter form of communication was strictly frowned upon and when the prisoner initiated the communication, he was punished. Controlling communication was one of the biggest problems the authorities faced. This was important because of the change in thinking that occurred in the minds of penal reformers in the 19th century (O'Brien, 1998) – the importance of not having the hardened criminal communicate with the new arrival.

The annual reports (NAM, CCP/Annual Reports, 1850, 1860 and 1870) frequently refer to the tension between formal adoption of the silent system and the daily reality of prisoners talking to each other. The response appears to be pragmatic. In Malta, no one was ever punished simply for talking to another prisoner. Talking was probably tolerated so long as it did not appear to be massively defiant of the silent system requirements. Prisoners were punished for trying to communicate by other means such as knocking on doors or putting down ropes from one window to another (NAM, CCP/Punishment Book). By comparison, in England, prisoners were punished for talking and any other means of attempted communication. Prisoners used to have conversations

by knocking on the doors, by changing words during the recital of hymns in the church, by talking in the exercise yard and so on (Priestley 1999:46). The absence of any punishment in conjunction with attempting to talk strongly indicates that talking was allowed in Malta, pointing to a more lenient treatment in Malta. Foucault (1977:165) would have concluded that the Maltese system was defective in so much as it would have failed to bring about the necessary mechanical changes in the prisoner. The prison would have been judged as lacking discipline when compared to others of its kind.

The gate porter controlled communication with the outside world. He was the contact point between the prison and the rest of society. He was responsible for the entry and exit of any article or person to and from prison. He was also to see that no warder or prison servant left the premises without written permission. When relatives and friends visited prisoners, the gate porter was not to allow more than one party at a time in the waiting room. Other visitors were scrutinised and allowed on the premises only if they had the necessary permission (Prison Regulations, 1850, Duties Performed by the Gate Porter: Sec.1-14). Contact between prisoners and the outside world was both limited and strictly controlled as part of the commitment to discipline necessary to produce docile bodies (Foucault, 1977:294).

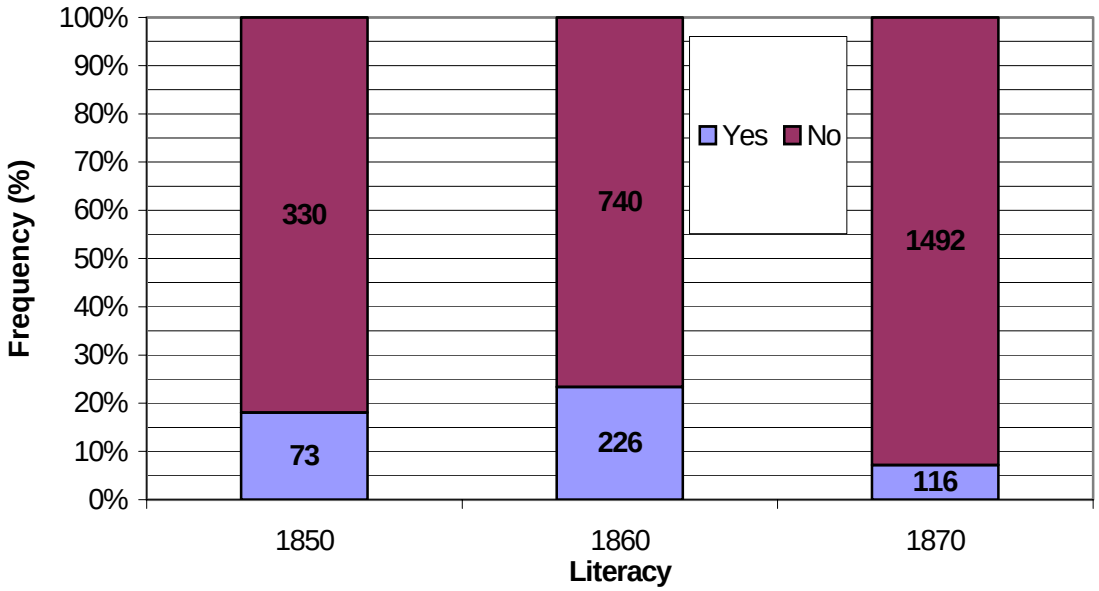
The inspector (NAM, CCP/Quarterly Report 1850), following the Superintendent(NAM, CCP/Quarterly Report 1850), proposed a change in the regulations regarding visitors due to security and discipline purposes. Persons of 'bad character' were not to be allowed to visit prisoners. All visitors had to be searched before being allowed to enter the prison and they were only allowed to speak to the prisoner they had come to visit. The last two rules were necessary as visitors coming at all hours were causing havoc to the disciplinary system (NAM, CSG/04/22:502-5). Extra visits could be gained in 1860. These were usually granted by the inspector of prisons or the Superintendent(NAM, LGO/36/5423). Visits to prisoners were not to be longer than half an hour and no two visitors could visit the prisoner at the same time (unless they were married). The Superintendent could order that the visits take place either in his presence or in the presence of the Chaplain or another officer (NAM, CGS/04/32/5411). Visits to prisoners had to take place at the ordained time. This was important because as Foucault (1977:157-158) wrote the disciplinary machine controlled the body and maximised efficiency in four different ways: each activity had to end at a specific time so that the next activity could start; the change of activities had to have a specific and strict plan; each activity required a specific time frame; and each task would be according to the person's ranking.

The regulations prior to 1850 where no visiting time was specified were changed. Visits were allowed on Sundays from 09:30 to 11:00 hours and from 14:00 to16:00 hours on weekdays. No more than nine individuals were admitted at one time. Each visit lasted for a quarter of an hour. The visitor on entering the prison was kept in the admission room, next to the porter's room. When

the prisoner could see the visitor, the latter would be brought to the central hall. They communicated with each other with an iron-gate separating them, the prisoners in the division and the visitor in the central hall. A warder was in the central hall, in-charge of supervision. Prisoners were not searched as it was thought that the strict vigilance and physical separation made it very difficult to smuggle illicit material, alcohol and tobacco being the most likely substances to be smuggled (NAM, CCP/Superintendent's Quarterly Report 1850). The prison regulations stipulate that it was prohibited for visitors to bring into the prison 'spirits, fermented liquor, tobacco and other prohibited articles' (Prison Regulations, 1850:Sec.19). People caught doing so were liable to prosecution. In the 1850 regulations, visits to prisoners sentenced for contraventions were unrestricted, in 1860 they were restricted to appointed hours on Tuesdays, Thursdays and Saturdays. They could receive food and clothing from their relatives or friends and write as many letters, as they wanted. Those who were condemned to imprisonment and hard labour could receive visits and write a letter once every three months in 1860. By 1870 visits and letter writing were regulated according to the class of the prisoner (NAM, Blue Book, 1860 and 1870). Visits in English prisons were rather different. They were rare and usually miserable occasions. During visits prisoners were locked in large wooden or iron boxes with a small opening covered with wire netting that allowed the prisoner to look out. Visitors were placed in a similar contraption some four feet away. Two warders would stand on the side of either box and listen to the conversation. In contrast, in some English prisons, such as Dartmoor the same system as in Malta was used (Priestley 1999:198). The difference between the prior system and the new system, which was to bring about the reform in prisoners, is apparent in Malta. The effect of the change in thinking caused visitors to be controlled. They were no longer allowed to roam freely around. The prisoner and all those who entered prison became part of the system, locked in a controlled environment they became part of the disciplined machinery (Foucault, 1977).

The letters sent outside the prison by prisoners had to be read by the Superintendent or the Chaplain (NAM, CGS/32/5411). Furthermore prisoners could receive letters, which the Superintendent had to read. The Superintendent regarded reading prisoners' letter as a waste of time. Although the regulations specified that letters were to be allowed the Superintendent tried to avoid this chore. While the regulations addressed society's feelings and sensibilities that the prison should be more humane, the Superintendent seemed not to be of the same reasoning. In his quarterly report he wrote that this took up a lot of his time, especially letters to English prisoners, which arrived on a daily basis. He would have liked to change this situation. In all probability this was an exaggeration.

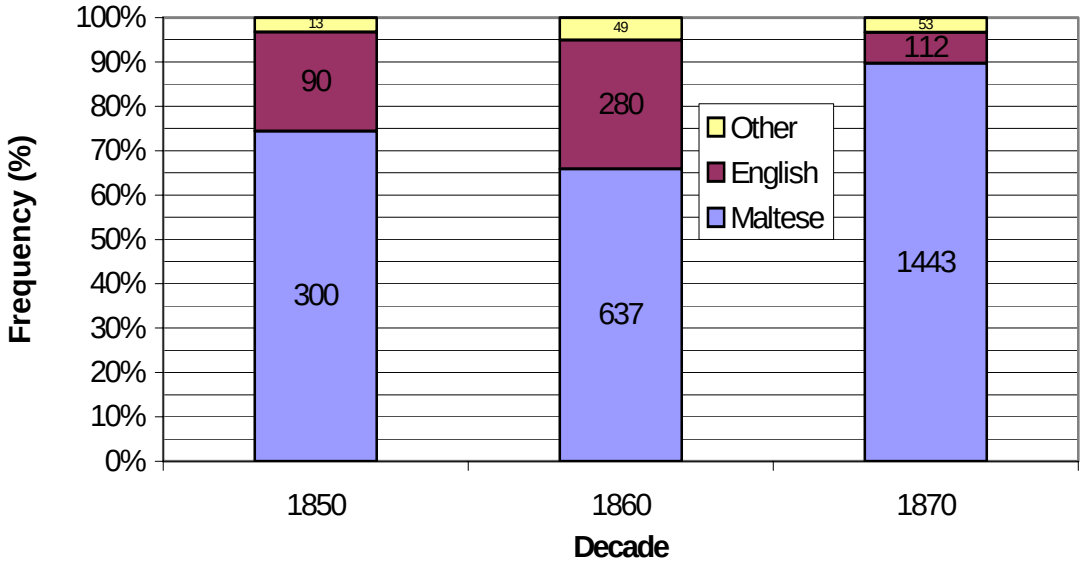
Figure 5.1: Literacy rate of prisoners in 1850, 1860 and 1870



Source: Constructed from NAM, Prison Admission Records 1850, 1860 and 1870

As can be seen in Figure 5.1 82 per cent, of prisoners in 1850 were illiterate. The same pattern emerged for the subsequent decades, with 78 per cent and 90 per cent being illiterate in 1860 and 1870. Only 23 per cent were English (Figure 5.2). The other category was made up of Italians (7 prisoners), 2 prisoners from Corfu, and a prisoner each from America, Dalmatia, Tripoli and Tunisia. In 1860, most offenders were Maltese (68%), followed by the English (29%), the Italians (2%) and Americans (1%). The situation changed ten years later. The amount of English prisoners decreased from 280 in 1860 to 112 in 1870, while the number of Maltese prisoners increased from 637 in 1860 to 1443 in 1870. It seems that military personnel were no longer posing the same problem with most offenders (90%) being Maltese. Visitors and letters were the most prominent ways for prisoners to make contact with the outside world. Prisoners condemned for contraventions were given more opportunities to communicate. The difference in treatment

Figure 5.2: Nationality of prisoners in 1850, 1860 and 1870



Source: Constructed from NAM, Prison Admission Records 1850, 1860 and 1870

with regards to letters and visits received of the various categories of prisoners would have been the result of the birth of the new thinking. People having committed less crime would need less time to reform. Consequently, the 'pains of disappointment' (Bentham 1871: 38) would have been much less. Rusche and Kirchheimer (1939:3) would have argued that those condemned for contraventions spent less time in prison because of the needs of the state. The state could not afford to waste so much labour force. On the other hand, change in people's sensibilities meant less cruel punishment (Spierenburg 1984:184). Less discipline was needed to make people who had committed contraventions, adhere to the norms of society, therefore a lengthy prison sentence was not necessary.

The prison had other visitors coming to see the new building and prison regime. Such distinguished guests were granted this privilege either by the Governor or by the Inspector. These guests for 1850, included Captain Stewart, Mr Montanaro and party, and Reverend Segrave and guest (NAM, CSG/04/22–23). Other occasional visits in 1860 include visits by the governor and Captain Brett, the Military Secretary (28th November, 1860), the Honourable Dingli (25th May, 1860), the Honourable E. Scicluna (7th December, 1860), judges and lawyers. These types of visitors were allowed in the prison because they were sounding boards of society's sensibilities. As Spierenburg (1984:184) maintains, the sensibilities of the upper classes changed first. These later influenced the sensibilities of the lower classes. The visitors also served as an audience to show what the new sciences could achieve.

Control of prisoners was engineered by restricting and regulating communication between prisoners, but also by the imposition of a repetitive prison regime. Every day in prison was a repetition of the previous one (Appendix B). On a typical day in 1850, at 06:00 hours a bell would ring. The prisoners would wake up, fold their hammocks, clean their cells and prepare themselves for the day. After an hour the warders would unlock the cells for the prisoners to go to chapel. At 07:45 hours, the prisoners would be returned to their cells after which breakfast would be served at 08:30 hours. From nine hundred to 11:00 hours those prisoners who worked would be engaged in employment while the rest of the prisoners would be let out of their cells for exercise according to their class. After locking up all prisoners, the warders would collect the plates from prisoners and lunch would be served at 12:00 hours. At 13:00 hours, when the prisoners were locked the warders would proceed to the mess for lunch. At 13:30 hours, the prisoners were again unlocked. At two, prisoners would be engaged either in catechism, in work or in exercises. An hour later trade instruction started. This was the hour when newly admitted prisoners were taken to the chief warder and prisoners were taken for their bath. At 17:00 hours, prisoners were again locked up. Supper would be served to the forth and fifth class of prisoners as 17:30 hours, while the warders dined half an hour later. At 19:00 hours the corridor lamps were lit up and the warders' shift finished. At 20:00 hours, the chief warder made the last inspection of the prison after which (at 20:30 hours) he gave the prison keys to the Superintendent(NAM, CCP/Superintendent's Quarterly

Report, 1850). Newly admitted prisoners were usually brought to prison until 15:00 hours. During the 1850s the Superintendent of police wrote to the Superintendent of prison that during the summer months it was hard to send prisoners from Valletta to Paola, due to the heat. The Superintendent of prison granted permission so that from May to October prisoners could be transferred at any time before sunset (NAM, CCP/Superintendent's Letter Book 1850-53, 01/07/50). This might indicate a difference in the treatment of prisoners due to a change in peoples' sensibilities but a more pragmatic approach would be to understand this in the light of not wanting to expose the police officers to the heat of the day.

The aim of the timetable was to create a structure of repetition. Today was the same as yesterday and tomorrow will be the same as today. The prison regime also showed the prisoner that the outside world was unreachable (Dubbini, 1886: 63). Every minute was taken up, following a strict timetable. Foucault, suggested that timetables were a legacy of monasticism; they established 'rhythms, imposed particular occupations, [and] regulated the cycle of repetition' (Foucault, 1977:149). Bentham's (1876:196) idea – that forced subjugation would gradually lead to mechanical obedience – is best seen in 19th century prisons. Timetables establish the way people act; for example, work at the capstan pump had to be mechanical, with prisoners walking with the same speed, although invariably the wisest and most experienced prisoners found ways to beat the system. The system did not only teach the prisoner the timing of walking but also how to walk such as walking with their heads down so that they could communicate with other prisoners. Timetables were important because of the principle of not wasting time. Time was precious and to waste it was a moral and economic offence. Dividing the day into segments with specific times when each activity was to begin and end ensured that time would be efficiently managed (Foucault 1977:121). There were very strict timetables in the Maltese prison regime, with the exception of the time when Superintendent St. John governed. During this era the journals show very scant timetables, delineating only the hours for food and locking up (NAM, CCP/Superintendent's Journal, 1860). When he retired his successor maintained that the prison was run in a very lax manner, possibly commenting on the absence of a strict timetable.

On the 24th November 1860 Mr. John Price received a letter from his Excellency, the governor stating:

> …his Excellency, the Governor, being desirous to bring Corradino Prison into a proper state of efficiency as far as the existing regulations permit has been pleased to appoint you provisionally Superintendent of Prisons in lieu of Mr St. John who has resigned.
>
> (NAM, CCP/07/22, 04/11/60)

This letter continued by stating that Magistrate Vella has been requested to give any assistance required. From the ledgers (NAM, CCP/Superintendent's Journal, 1860; NAM, CCP/Letter Book, 1860) it seems clear that the former Superintendent did not meet the

expectations for disciplinary control. He was lenient and practically all infractions were given the punishment of 3 days solitary confinement on bread and water. The Superintendent of police assisted Mr St. John in disciplinary procedures during the time.

A letter by the Chief Secretary of the government to the Superintendent of police explained:

> I am desired by His Excellency the Governor to state for your information, that with a view of introducing in the Corradino Prison such reforms … [to bring in] a proper state of efficiency …. has been pleased to place the prison temporarily under the charge of Mr Price, an officer hitherto attached to the Military Prison and well versed in the management of penal establishments.
>
> (NAM, CSG/04/32/5236)

Mr Price, had been the chief warder in charge of the military prisons of Malta. This decision was made in light of the frequent complaints from naval officers on the defects of the prison system (NAM, CSS/93). Ten years after the prison opened, on the arrival in Malta of the Governor, C.J. Gaspard Le Merchant, the Admiral Lord Lyons maintained that judging from the frequency of imprisonment of sailors under his command, and their evident eagerness to go to Corradino prison one would conclude that the system of discipline, instead of having a deterrent effect was encouraging sailors to commit crimes. The absence of hard labour, the generous diet, the change from life on board to a state of well-fed indulgence were acting as an inducement to take a break from their ordinary duties. This view was supported by Lord Lyons' successor and by the governor himself a year and a half later. The governor maintained that the regulations failed to fulfil the purpose for which they were enacted due to the lax manner that the regulations were being enforced. The Governor asked the Crown Advocate to revise the regulations so that the prison would become a place of 'punishment for crime' (NAM, Dispatches to Secretary of State Nov. 1855 to Dec. 1860/No. 5). After some debate it was decided that a system of rewards in the form of added privileges would be used. Solitary confinement was modified to include mandatory breaks after five days with not more than three consecutive periods. The use of irons was not sanctioned, as they were not used in England, unless to prevent injury or escape, as irons and the use of the dark cell were equivalent to torture (NAM, GOV/02.1/57/59).

Discipline was the beginning and the end of the prison rationale (Foucault, 1971:170). Without discipline everything else would collapse. The prison routine evolved around discipline, but discipline was not there for the sake of discipline alone. Discipline had to be scientifically supported according to the new way of thinking as can be observed in the case of the prison regime. It had to serve a purpose for the needs of the state as in the case of work. It also had to respect the peoples' sensibilities as in the case of the prohibition of the use of irons.

In order to try to bring back the prison under control the appointment of Mr Price and Magistrate Vella were seen as necessary (NAM, CCP/10/1). Given his background, it is easy to imagine Mr Price changing the prison regime to reflect a military prison. This would have pleased the naval and military authorities. Mr Price was to report solely to the chief secretary of government (NAM, CSG/04/32/5236). With the appointment of Mr Price the use of the refractory cell, the dark cell and irons was much more pronounced. In the last month of the year the refractory cell was used three times, the dark cell five times and irons twice, although the authorities had said that their use was equivalent to torture. On the 19th December Mr Price wrote in his journal that from what he 'can learn the prisoners were allowed indulgences by my predecessor quite contrary to the prison regulations' (NAM, CCP/10/1, and NAM, CSG/04/31/5233).

When Mr. St. John was in charge, the regime seemed to be slack. It was not as detailed as the one followed by his predecessors. The only reference to the timetable is found in the Superintendent's journal (NAM, CCP/10/01) where prisoners were unlocked at 06:30 hours in the morning and taken to church. At 07:00 hours they were served breakfast after which they were employed in the trades. At 12:00 hours, prisoners were given lunch and from 14:00 to 16:00 hours they were unlocked for exercises. At 20:00 hours the lights were switched off. The strict timetable, where every minute is accounted for had been abandoned. This would have detracted from the prison's mechanical power and its authority to transform prisoners (Foucault, 1977:149).

Mr Price, the Superintendent who took his place modified this regime slightly. Prisoners were returned from mass at 07:30 hours and had breakfast a quarter of an hour later. Work started at 08:30 hours until 11:30 hours when the prisoners where returned to their cells and served lunch at noon. Between 13:00 hours and 16:45 hours prisoners were unlocked for exercises or work. At 14:00 hours prisoners were discharged. At 17:00 hours all prisoners and debtors where locked up and at 20:00 hours lights where put off (NAM, CCP/10/1). Prisoners were allowed at least an hour of exercise in the yard daily. The hours of hard labour and exercise were from 07:00 to 11:30 hours and from 13:30 to 17:00 hours in winter. During the summer months, prisoners worked for more hours: from 06:00 to 11:30 hours and from 14:15 to 18:00 hours (NAM, Blue Book 1860, 1870). Although the timetable appears rather more relaxed, certain key features are still embedded in it. The wake-up time, the locking-up time, the times for the meals are still prominent, as are the hours for labour. Labour was necessary to train these people, either as Rusche and Kirchheimer (1939:133) state, for the needs of the labour force and to act as a hated alternative to work, or because the new thinkers such as Bentham saw work as being beneficial for the treatment and reform of prisoners. Foucault's idea that through work prisoners would be disciplined is also relevant.

Wake up time was at 06:00 hours in Malta, at Chatham Convict Prison at 05:30 hours, at Parkhurst at 05:10 hours and at Dartmoor at 05:00 hours (Priestley, 1999:82). In Malta prisoners would wash themselves, then at 07:00 hours they would be taken to church. After church service they would be given breakfast. This system was not followed in England. The first part of the morning was taken up with making-up bedding and cleaning cells and the prison. Breakfast would follow and then prisoners would be sent to the chapel. All prisoners had to perform an hour of exercise. This was true in both countries. In the exercise yard in England there was

> a large wheel, 100 feet in diameter lying on the ground, it had 50 spokes, and on every spoke there is built a wall ten feet high. Between every two of these walls one of us is confined for an hour each day.
>
> (cited in Priestley, 1999:85)

This is the way O'Donovan Rossa (cited in Priestley, 1999:85) describes the exercise wheel. There is clear evidence of its use in England but there is no evidence of it being used in Malta. The exercise wheel is documented on maps but there is no further documentation, as evidence of its maintenance, or its use as a disciplinary measure.

The prison regime also served as a training centre for labourers needed by the state (Rusche and Kirchheimer, 1933:183). The repetitiveness, the quiet and the work all taught prisoners the submissiveness that was needed for work in the factory. Individuals would learn that honest labour was much better than criminal activity that would lead them to prison (Foucault, 1977:149). The regime was also influenced by a perceived need for prisoners to contribute to their own upkeep and to offset costs by providing goods for other departments (Priestley, 1999:137).

Admission to prison was designed to confirm and highlight the disciplinary rationale. It was a lengthy process characterised by ritual and precision. On admission the chief warder would first check that the documents after which:

> He carefully instructs them in the minute rules by which their conduct is to be regulated: it being impossible to bestow too much pains with that object, their future welfare mainly depending upon the habits acquired during early imprisonment.
>
> (Prison Regulations, 1850:Sec.28)

On admission of a prisoner, the infirmary warder would ask the inmate to strip for the medical examination. He would later give the prisoner a prison shirt and take him to the gate porter who would conduct him to the bath and after to the dining room (Prison Regulations, 1850, Infirmary Warder's Duties: Sec.8). The ritual of induction (Ignateiff, 1978: 101) reflected the discipline necessary to ensure conformity (Foucault, 1977:149), and it served the needs of the labour market (Rusche and Kirchheimer, 1933:5).

In England, each prisoner on admission to prison was to be subject to a medical examination, though practice varied (Priestley, 1999:22). In Malta the regulations specify that each

prisoner had to be examined by the doctor (Prison Regulations, 1850:Sec.116) and the Medical Officer had to pronounce himself satisfied with the general health of the prisoner (NAM, CCP/Annual Medical Report, 1850). The extent of this examination also varied. For prisoners who were condemned to less than three days imprisonment the examination was superficial. They were not weighed, or if weighed their weight was not entered in the weight book. The primary aim of the examination was to see if the prisoners had any contagious disease and if they were fit for labour. Given the health care available for the general population at this time in Malta, any medical attention would have offered more than was normally available. In this regard, prisoners were advantaged over the general population. General hygiene was also checked. The prisoner's hair was cut and whiskers trimmed (Prison Regulations, 1850:Sec.39-42), but the head shaved only when germs were deemed present, unlike England where head shaving was routine. The latter reflects Foucault's (1977:164) emphasis on loss of individuality and the need for prisoners to become part of a machine. They no longer worked for industry but all actions were aimed at making the machine more efficient. Bodies become objects, defined by what they did and the place they occupied. That is prisoners become an extension of reform. As long as they obeyed and did all the actions required from them they were left alone. If prisoners threatened to disrupt the perfect machine, they were disciplined in order to bring them back in line. In contrast, prisoners in Malta suffered rather less personal degradation than did prisoners in England

The Superintendent in his medical capacity was expected to segregate inmates suffering from contagious diseases, to see that prisoners kept themselves clean and free from vermin. He gave orders for the washing of bed linen and prisoners' clothing and made modifications to the prescribed diet when necessary. Prisoners of the fourth and fifth class were weighed and bathed every month (Prison Regulations, 1850:Sec.39-43). Each prisoner was allowed an ounce of soap per week, although some prisoners were unaccustomed to regular washing and bathing. The Superintendent took the view that exercise and air sufficed at least for short-term prisoners (NAM, Blue Book, 1851 and NAM, CCP/Superintendent's Quarterly Report, 1850). There are different explanations for the emphasis on hygiene. Hygiene is not only necessary for discipline (Foucault, 1977) but also as a means to influence the lower classes (Elias, 1939). Hygiene was also important to train the work force to what the upper classes wanted (Rusche and Kirchheimer, 1939). The new thinkers also emphasised that cleanliness was important for moral cleanliness (Ignatieff, 1977:59).

In 1850, only long-term prisoners were dressed in the prison uniform, with the number of their cell sewn on their jacket. The uniform consisted of a pair of trousers, a jacket, a waistcoat, a waist belt and a cap made of grey material. Those who were in the habit of wearing shoes were allowed to wear slippers (NAM, CCP/Superintendent's Quarterly Report, 1850). It seems that during 1860-1870 all prisoners were dressed in the prison uniform. On admission a prisoner was given a jacket, a pantaloon, a shirt, a waistcoat, a cap, a belt, a neckerchief, a handkerchief and a pair of slippers. The prisoners were also given a hammock, a mattress a pillow a blanket and a

coverlet for the night (NAM, Blue Book, 1860 and 1870). Prisoners were expected to wear the prison clothing on all occasions even to court, although there was at least one exception in 1860 (NAM, CCP/07/2 and NAM, LGO/36/5375). Blue seems to have been the preferred colour for prison uniforms in English prisons (Priestley, 1999:20), but grey was favoured in Malta (NAM, CCP/Superintendent's Quarterly Report, 1850). Prisoners' clothing conformed to the type of clothing they would have worn if they had been living in the community. Accounts from prisoners in England narrate how all clothing was of the same size and no underwear was given (Priestley, 1999:20). This was probably true in Malta. The prison regulations do not mention any requirements for underwear and the prison ledgers do not mention any orders for underwear. When orders were made for uniforms, there was no mention of particular sizes, but as these were sewn in prison it would have been possible to manufacture sizes according to needs. The prison uniform was sufficiently warm for most of the year, but for a month during winter the prisoners must have felt cold during the night. The humidity in the air would have made the temperature seem much colder than it would have actually been. The uniform was regarded as humiliating, both by the public and by the prison authorities; therefore it was gradually changed (Pratt, 1999:271). The uniforms, although during the time were probably comfortable, were regarded as part of the prison regime for uniformity helping in the transformation of the prisoner (Foucault, 1977:200).

The prison regime of 1850-1870 shows an overarching commitment to discipline starting with the administration (officers and warders) to prisoners. A disciplinary apparatus, which meets all needs and reforms the work force, was the fulcrum of the prison regime. This is reflected by the rigorous timetable where everything is strictly worked out – the daily timetable, the letters, the visits and so on. There is a rather keen sense not to let discipline slip away, always keeping in mind pragmatism. This resulted in some disjunction between regulations and practice such as not punishing all communication between prisoners. This is rather at odds with England were discipline was at an extreme. This section links rather well to the change in penal thinking but less well to the three hypotheses. There was also an emphasis on rehabilitation and treating offenders with humanity and decency in support of the first and second hypotheses.

Prison Discipline

Discipline and security feature as one of the most important elements in the prison regulations. The Superintendent had the duty to inspect all locks, cells and bars on a daily basis, as well as taking all the necessary precautions for fire prevention. No trees were to be grown next to the outer perimeter, and tools, which could aid prisoners', escape where to be well stored during night-time (Prison Regulations, 1850:Sec.32-34). The chief warder had to go round the exterior walls, before dusk to check that there were no security flaws which might aid prisoners to escape. He had also to inspect the kitchen and the industry shops to see that everything was in order. Should a part of the prison become insecure he had to report this to the Superintendent and to

summon a sufficient number of warders to patrol the area. During night-time he had to make sure that the place was secure and that at least two warders were in-charge of each division (Prison Regulations, 1850:Sec.14-16).

Security on the outside perimeter was entrusted to the army. The RMF detachment was to be relieved every Sunday morning (NAM, CSG/04/22-23, 02/08/1850). This remained true during the 30 years under study. The army was also called upon in one instance when there were seven prisoners who were causing trouble and who could not be controlled by the warders (NAM, CCP/Superintendent's Letter Book, 1850-53, 19/02/50). Prison security reflected prison discipline, and the discipline of security applied internally (to prisoners and prison staff) and externally (to the army).

Insane prisoners posed special problems for security. In November 1850 a prisoner was allowed to leave the lunatic asylum in which he was in '*loco carceris*' (instead of prison) (NAM, CSG/04/23:233). Another prisoner under 'homicide manomania' was planning to kill the Superintendent and the inspector. This prisoner was transferred to the lunatic asylum (NAM, LGO/48/9394; NAM, CCP/06/1). Foucault (1977:169) explained how the prison, the hospital and the army were used to transform people. People who did not conform to the norms of society would be transformed, the means being adjusted as necessary.

Transfer to the lunatic asylum was not automatic. If the Medical Officer thought that a prisoner needed to be transferred to a mental hospital, the prisoner had to be evaluated by a special committee, made up of three doctors. Getting the prisoner transferred back to Corradino prison was not a simple matter. The inspector of prisons would be given instructions from the Secretary of State to order the Superintendent of police to transfer the prisoner back (NAM, LGO/30/4158). When the prisoner was in the lunatic asylum he was treated as a mentally ill person. In one case the Superintendent of charitable institutions asked if a prisoner placed in the asylum could benefit from some reduction in punishment. The answer was in the negative (NAM, LGO/48/8675). It was also possible to transfer a foreign prisoner abroad. In 1860 there is a mention of a case of a lunatic criminal suffering from *'nostalgia'*. It was recommended that he should be returned to the UK where he could continue serving his sentence (NAM, LGO/30/4183). Prisoners were sent to the central hospital if they had an incurable disease. On the 18th February a prisoner with a thyroid tumour was transferred to hospital. The tumour was not operable, he was sent back to prison where he died (NAM, CCP/06/1). On the 14th March 1870 a prisoner with an incurable disease was sent to the central hospital, following certification by the inspector general of hospitals and three doctors (NAM, LGO/48/7582). This prisoner later died in prison (NAM, LGO/48/7687). A debtor who had pulmonary consumption died in prison on the 16th March 1870 (NAM, CCP/06/1). Transfers in and out of prison were characterised by precision and complex decision making procedures. Bureaucracy and ritual are of paramount importance in the new prison. The change in

thinking was a result of rising bureaucracy and ritual gave discipline more ingrained power. The prison did not work alone as an institution of control. The army figured prominently, as did the hospitals and the lunatic asylum. They are all mechanisms of behaviour modification. Foucault (1977:181) points to the training of soldiers and pupils so as to produce mechanised responses, qualities required by the labour market. The treatment of prisons is strikingly similar.

The preoccupation with security was most evident when prisoners escaped or attempted to escape. No escapes from prison occurred during 1850. On the 17th of September 1860, at 05:30 hours the chief warder reported to the Superintendent that a rope was hanging from the boundary wall with something tied to it. The Superintendent went to investigate and found a pillowcase tied to the rope containing a prison blanket and shirt. A headcount revealed that prisoner Ebejer was missing. The incident was reported to the Superintendent of police and an inquiry held (NAM, CCP/10/1). This led to a tightening of security. The size of the cell windows was made smaller and iron gratings on the outside of the windows had to be fastened not just nailed. A sentry, during the night, had to be placed between the two wings occupied by prisoners condemned to hard labour or imprisonment. Irrespective of class, all prisoners condemned to life or for long periods of imprisonment would be placed in cells where the sentry could see them. Before this escape the security of the prison had never been given much importance (NAM, LGO/35/5108). This incident highlights the tension between showing sensitivity to prisoners' needs and the competing need for security in the interest of discipline. Prior to this incident the authorities had widened prison windows to afford prisons greater comfort. One escape was sufficient to reverse these reforms: comfort was conditional on security and discipline.

In August 1850 a prisoner smuggled a carpentry tool into his cell, made a hole and hid some tobacco. His previous behaviour was exemplary, including the award of a good conduct strip by the Visitors (NAM, CCP/Superintendent's Letter Book, 1850-53, 19/08/50). Prisoners who behaved themselves earned good conduct strips. These strips not only earned them privileges, usually in the form of food, but also earned them money. On release gratuities earned by prisoners in Malta were not given as a lump sum but an amount was given periodically to ensure that the ex-inmate remained crime free. This does not seem to have been the practice in England (Priestley, 1999:195). The use of marks was found in both systems. The smuggling of illicit material into the prison was a constant problem. On the 23rd November 1860, for example an inspection of the prison was ordered by the police to search for tobacco, knives and other prohibited material (NAM, CCP/10/1). There was a general preoccupation with control and security. Given that most prisoners were petty criminals condemned to less than three days, who probably saw imprisonment as a break from the outside world, this preoccupation with security suggests that it had more to do with the state's ability to exercise power and control over certain individuals than the threat posed by them. Power is exercised by the few on many, something Foucault (1977:206) describes as the

'power of mind over mind'. Security and discipline are the instruments through which power is articulated and exercised.

Reform did not take place by torturing the body but through the cleansing of the soul. This reflected a change in thinking. It was no longer considered that a person has free will to commit crimes. The idea of the habitat, producing criminals was becoming entrenched in the mind of the reformer. This led to the need to reform prisoners by 'teaching' them the appropriate mode of behaviour. An important part of this was the role of the Chaplain, as saver of the souls and as a teacher. Libraries became an important part of the prison. A parallel development was the introduction of gratuities and privileges; the concept of reform by reward was becoming as important as reform through punishment, although discipline was necessary for both.

Power gave rise to discipline, within, which there was a structured hierarchy (Foucault, 1977:145). Prisoners would inform on prisoners, the warders would report prisoners but the warders themselves would be subject to discipline from the chief warder and other superiors. Even the Superintendent was not immune from disciplinary procedures as he could be called to account by the inspector, by the Board of Visitors or by the governor. Each level of discipline was aimed at the transformation of prisoners. Foucault (1977) basis his study of discipline on three concepts: power, knowledge and the body. The state has the power over criminals to impose discipline, the knowledge of the type of discipline needed and what the ultimate transformation should be. The body of the prisoners was the clay to be modelled. The human body was shaped by political, economic and social functions. The prison, as an institution, shaped the body by exercising power, thereby transforming the wrongdoer into a law-abiding citizen.

The inspector showed evidence of both prudential and new-style penal thinking when he recommended that prisoners sentenced to less than three days imprisonment be held at the Castellania prison. At a practical level, the ritual of admission was too elaborate and costly for a prisoner who would be discharged almost immediately after reception. In terms of penal thinking, there was evidence emerging that the short-sentenced prisoner received today and discharged tomorrow would re-appear as a short term prisoner in the future (NAM, CCP/Inspector Quarterly Report, 1850). This could compromise the successful training of long-term sentenced prisoners (Rotman, 1998:156). Permission was granted (NAM, CSG/04/22: 502-5) but there is clear evidence that short-term prisoners were still received at Corradino prison.

In the first six months of operation the prison adopted a relaxed disciplinary regime. Although no offences were overlooked the punishments given were not severe. Prisoners' infractions varied from destroying prison property to disobedience of orders, from assaults to disturbing the quiet of the prison, from stealing to talking from one's cell. The silent system proved inoperable; prisoners invariably found means of communicating with each other. Although these were punished the offences still continued. '…they talk while at the capstan pump…they talk

while at work, when at the exercise yard, they communicate by looks and by signs' (NAM, CCP/Superintendent's Second Quarterly Report, 1850). Punishment usually consisted of three days solitary confinement on bread and water. The refractory cells had not been used in the first four months of the year because of cold weather (NAM, CCP/Superintendent's Quarterly Report, 1850). In the following four months, discipline problems increased: prisoners refused to work, fighting was commonplace and inmates smuggled letters outside the prison (NAM, CCP/Superintendent's Second Quarterly Report, 1850).

Table 5.1 offers data on prison discipline during 1850. In January, possibly because of disruption caused by prisoners being relocated to Corradino prison, together with them being mostly long-term prisoners, 27 of 61 prisoners (44%) were reported for disciplinary infractions. Of these just seven were punished whilst 20 were merely admonished. The pro rata infraction rated was high, and the majority of reportees were admonished but not punished. By April, 23 of 80 prisoners (29%) were reported for disciplinary infractions. Of these, 13 were punished whilst 10 were admonished. The findings suggest a relatively high level of disciplinary infractions and a relatively low level of punishment. According to the inspector, disciplinary problems reflected 'a weakening of moral subjugation' (NAM, CCP/Inspector's Quarterly Report, 1850). By June nearly one-half of prisoners (48%) were reported for disciplinary infractions, but between June and October all prisoners reported were punished and no prisoners were admonished. Prison discipline was asserting itself. In the last four mounts of the year 20 per cent of prisoners faced disciplinary charges, compared with 34 per cent in July, 48 per cent in June and 44 per cent at the start of the year. Punishment was not always severe, but it could be oppressive and it had little due process. It

Table 5.1: Prison discipline in 1850

Month	Average no. of Prisoners	No. Reported	No. Punished	No. Admonished	Per cent reported of prison population
January	61	27	7	20	44.26%
February	99	18	15	3	15.15%
March	95	15	10	5	15.79%
April	80	23	13	10	28.75%
May	78	21	16	5	26.92%
June	75	36	36	-	48%
July	73	25	25	-	34.25%
August	71	18	18	-	25.35%
September	67	13	13	-	19.4%
October	67	10	10	-	14.92%
November	64	12	6	6	18.75%
December	56	7	3	4	12.5%
Total	-	225	172	53	-

(Source: Adapted from NAM, CCP/Inspector's Report 1850)

was an administrative mechanism designed to preserve 'good order' (Vagg, 1996:215). Thirteen of the most problematic prisoners were given long periods of solitary confinement in mid-1850. This saw the start of the restoration of good order with a short set back in November when the Visitors believed a false report made by prisoners against some warders (NAM, CCP/Inspector's Annual Report, 1850:4)

Disciplinary procedures were used mostly in 1850 followed by 1870 and 1860. Prisoners were punished in cases of repeated acts of insubordination. The chief warder would arraign the insubordinate prisoner in front of the Superintendent who would decide the type of punishment to inflict. Table 5.2 shows the type of disciplinary infractions that were dealt with by the Superintendent in 1860, unfortunately data for 1850 and 1870 were not available, but this data helps to give a flavour of infractions in prison. Most infractions occurred because of fighting (28) followed by communicating with others (18) and smoking (16). Thirteen inmates caused disturbance or damaged prison property, while 11 inmates had unauthorised prison property. Offences were punished less during the summer months. This could be explained because the Superintendent was ill. He is substituted at the end of November when the infractions punished once again reach the number that they had in the beginning of the year. It is not right for Mr Price to criticise Superintendent St. John. The numbers of infractions dealt with in the first quarter of the year are similar to those dealt with in the last month suggests that both Superintendents used punishment to control inmates.

Table 5.2: Infractions of discipline dealt with by Superintendent of prisons in 1860

	January	**February**	**March**	**April**	**May**	**June**	**July**	**August**	**September**	**October**	**November**	**December**	**Total**
Fighting	1	3	2	2	-	4	4	2	-	6	2	2	28
Damaging prison property	3	1	2	-	-	1	2	-	-	-	1	3	13
Communicates with others	5	1	3	3	1	1	-	-	2	-	-	2	18
Insolence towards warders	1	2	2	-	-	-	-	1	1	-	-	2	9
Smoking/has tobacco	4	5	2	-	-	-	-	-	-	1	1	3	16
Disturbance	2	-	2	-	1	-	-	-	1	-	6	1	13
Conceals letter	-	1	-	-	-	-	-	-	-	-	-	-	1
Making a pair of boots	-	1	-	-	-	-	-	-	-	-	-	-	1
Unauthorised prison property	-	1	2	1	-	1	-	-	5	-	-	1	11
Swearing	-	1	-	-	-	-	-	2	1	-	-	1	5
Bartering objects for tobacco	-	-	-	-	-	1	-	-	-	-	-	-	1
Prisoners committing unnatural acts	-	-	-	-	-	-	-	-	-	2	-	-	2
Attempted to assault Supt.	-	-	-	-	-	-	-	-	-	-	-	2	2
TOTAL	16	16	15	6	2	8	6	5	10	9	10	17	120

Source: Constructed from data available in the Superintendent's Journal 1859-1862 (NAM, CCP/10/1)

Grave infractions were dealt either by the Superintendent of the police or by the inquiring magistrate. One can observe a change in the way the daily journal was kept, with the change in management. Mr Price was more meticulous keeping detailed accounts and he was quicker to react stopping any insubordination (NAM, CCP/10/1). Most of the offences committed by prisoners were not serious as expected when a group of people are forced to live together under stringent rules. Although inmates were not supposed to talk they disregarded this rule. According to Priestley (1999:197) breaches of this rule amounted to 70-80 per cent of all prison offences while in Malta this infraction is not higher than that of smoking tobacco. In certain months no prisoners were disciplined for communicating with another prisoner. Communication was clearly allowed as only eighteen cases were reported during the year – ten less than for fighting. Although discipline was seen as important, and all fights between inmates were probably reported, possibly only grave infractions in communication were brought to the attention of the authorities. This could show some complicity between the warders and the prisoners. If Elias (1939: 276) is right in saying that the upper classes are the initiators of the civilisation process, the rationale for no communication between prisoners would be understood by the upper hierarchy of the prison establishment but less so by the warders who came from the same class as the prisoners. It is easy to imagine that warders would allow prisoners certain liberties.

Table 5.3: Punishments given by the prison authorities 1850, 1860 and 1870

Type of punishment	**1850**	**1860**	**1870**
Irons (stocks)	5	4	4
Refractory cell	6	0	0
Solitary confinement	111	96	130
Punishment diet	50	0	0
Admonished	53	0	0
Whipping	0	0	0
Others	0	0	7
Total	225	100	141

Source: Adapted from NAM, CCP/Superintendent's Annual Report and the NAM, Blue Book (1860 and 1870)

Punishments during the years 1850, 1860 and 1870 can be seen in Table 5.3. In 1850 nearly half of punished prisoners were placed in solitary confinement, with almost all others given a punishment diet or simply admonished. During 1860 and 1870 no prisoner was admonished. This is probably the result of the prison authorities not noting this form of punishment. It would have been very strange for the authorities, which considered admonishing prisoners as part of their duty, not to do so. By 1860 and through 1870 almost all punished prisoners were placed in solitary confinement. It became the punishment of first (if not exclusive) resort.

When necessary, the 'gag' and 'stocks' were also used for prisoners placed in the refractory cells or in solitary confinement. In 1850 the inspector recommended their introduction,

and cautioned that the gag was used once 'for an hour on a prisoner who was disturbing the whole prison by vociferating the most profound language'. The gag was only to be used when it was impossible to silence certain refractory prisoners (NAM, CCP/Inspector's Annual Report). The Governor of Malta seemed to be in favour of this idea, as he wrote to the Secretary of State, Lord Plumber, asking for advice but recommending their use (NAM, GOV/01.2/26, Dispatch, 6). The stocks were to be used only in association with solitary confinement as prisoners had a tendency to use their handcuffs to damage the cells. Due to the excessive discipline, some prisoners would smash the furniture in their cells and tear their clothes. Warders in England would wait until prisoners had tired themselves, enter the cell, handcuff the prisoners and tie them to the wall. Should he start shouting the gag was sometimes used (Priestley, 1999:210). This system was used in both Malta and England. The use of the stock in Malta was used on 13 prisoners in the three years under analysis (5, 4 and 4 respectively). The stocks were used more in the first year and having the least amount of prisoners during that year shows that it was used much more frequently. Flogging as a disciplinary procedure was not allowed in Malta, although the courts could sentence an offender to flogging and imprisonment. This was a rare occurrence and when it happened, the police and not the prison warders conducted the flogging between the two prison doors at the end of the sentence. In England the system was somehow different. Flogging could be used as a disciplinary procedure and when a person was condemned to flogging by the court this took place some time after the commencement of the sentence. Flogging was rarely used (Priestley, 1999:217).

Punishing prisoners was of the utmost importance and considered a science, and essential part of the grand disciplinary process, but sensitivity to allegations of cruelty meant that it was tempered by sensibility or cloaked in the rhetoric of treatment and care. The introduction of the gag and the stocks was justified by reference to their use in England, a nation regarded as more civilised that Malta. Control of prisoners was ultimately premised on discipline but tempered by some gentleness. Whipping was not used and irons where used only in extreme cases of violence. The most common form of punishment was three days of solitary confinement on bread and water (NAM, CCP/10/1). Solitary confinement amounted to 111 cases in 1850, 96 cases in 1860 and 130 cases in 1870.

Comparisons with England are strong. Possession of tobacco was a plague for English and Maltese officials. Scarcely a month would pass that a prisoner would not be found in possession of tobacco. Punishments were similarly given for a variety of trivial offences such as lateness, interruption of tasks, talking, lack of cleanliness and so on (Foucault, 1977:178). The most common punishments awarded were a reduction in diet to bread and water and solitary confinement (Priestley, 1999:205). This was also true in Malta the only difference was that the underground cell was not used as it was in other prisons. Solitary confinement could mean being locked in a dark cell but never in an underground one. Prisoners could appeal a disciplinary

sentence to the Board of Visitors or the prison inspector (Prison Regulations, 1850:Sec.13). In Malta most appeals were done to the prison inspector as the Visitors rarely entered the prison. Discipline was necessary to create a regime of order (Foucault, 1977:179). In normal circumstances it would have been impossible to control a mass of unruly individuals with a handful of warders. The only methods available were either to convince them to co-operate with the system or to create order through the creation of rules and regulations and dealing out punishments when even the most trivial of these rules were broken and granting rewards whenever possible. The former would not have been practical, therefore the latter system had to be used with the justification that punishment helped prisoners' reform. The use of punishment-rewards is effective only when rewards are used more than punishment. This technique takes time to start working (Hall and Lindzey, 1985:552). This partially explains why a number of short-term prisons would re-offend and end up in prison again and why at the end of the first year of functioning the authorities were enthusiastic about the prison's success. This was not felt in later years when it was felt that the crime problem was not solved.

Warders were also subject to disciplinary procedures when they disobeyed prison regulations or an order of their superiors. During 1850 there were few cases of disciplinary measures against warders. In January the chief warder reported the infirmary warder because the latter let a prisoner out of his cell. The prisoner was punished with three days solitary confinement and the Superintendent admonished the warder. In February, both the warder tailor and the warder weaver disobeyed the chief warder and failed to take care of the articles in their workshop; they were admonished by the Superintendent. During that month the prison cook shouted at the warder tailor, in front of the inmates working in the kitchen. The Superintendent admonished both the cook and the warder tailor. In March the prison cook was accused of having smuggled a piece of black pudding inside the prison premises, cooked it and offered a piece each to his two prisoner aids. He was reported to the inspector who admonished him. In April there was a more serious offence as the warder weaver allowed a prisoner to introduce tobacco in prison. The Superintendent reported him to the inspector who admonished him. In June the warder carpenter was admonished by the Superintendent for allowing two prisoners to talk while working in the carpenter's shop. In November the cook was again reported to the inspector, this time for having given snuff to a prisoner. The inspector warned the cook that if he were reported again he would be dismissed (NAM, CCP/Officers' Misconduct Book, 1850).

On the 17th September 1850 the Superintendent wrote to the inspector for an amendment in the regulations regarding punishments that may be awarded to warders who misbehave. His proposal was inspired by the system existing in English prisons. Although there is lack of evidence that this system came into being it shows that warders were subject to numerous discipline procedures in order to render them part of the disciplinary machine (Ignatieff, 1987:77) and when its wheels did not grind as they were supposed to they were corrected. The person either reformed

his ways or was sent away. As warders could not be physically punished, the Superintendent proposed a civilised scheme, which was bound to change any undesirable behaviour. Warders colluded with the inmates. They brought prohibited objects and sometime were caught. Warders did this either because they felt more loyal to the prisoner or because they were bribed by inmates.

This section supports the first two hypotheses: the prison regulations moved from deterrence and retribution to the punishment of the soul and rehabilitation; and prison practice moved from being austere to a softer mode of punishment. The prison saw prisoners as individuals, with there own characters, to be studied, isolated and reformed. The prison routine was aimed at controlling and moulding the character of the criminal according to the wishes of the state. It was not aimed at changing the behaviour of the individual from the outside only but at transforming the individual totally – body and soul. Bodies were made to do repetitive motions, until it became automatic. Correction not punishment was the aim of discipline. Punishment was to take the form of more hard labour. Solitary confinement was justified as a method whereby the offender would reflect on his/her wrong doings. Punishment was to bring about self-control. Prison officials were probably not concerned about disciplining the body and the soul but about the smooth running of the prison, modifying the rules and regulations through pragmatism and dose of common sense.

Diet

Another important part of the prison regime was the food given to prisoners. The cook was responsible for the kitchen (Prison Regulations, 1850: The Cook, Sec 1). Diet became a science (Pratt, 2002:70). The cook was responsible to see that prisoners were given their daily ration and that the soup was prepared as instructed: with one pint of water there had to be two ounce of paste, four ounces of vegetables one twentieth of an ounce of oil, salt and pepper. Both the Superintendent and the inspector were satisfied with the prison diet. According to the weight book, 58 prisoners in 1850 gained weight, 25 lost weight and 2 remained the same (NAM, CCP/Weight Book, 1850). Their diet, based on the Regulations for the Government of Prisons for the United Kingdom, was later adapted to the food, climate and culture of the Maltese people. The general principle was to increase food allowance in relation to the time spent in custody. Short sentenced prisoners got ‘bare subsistence’ while those sentenced for long periods were ‘generously fed’ although the inspector suggested in his first quarterly report (1850) that ‘hunger is never satisfied’. He attributed this not to the poor nutrient value of the food but to the fact that prisoners were being fed three times a day. He maintained that if prisoners were fed twice a day it would be more satisfying for them. In a letter written by the Superintendent, the prisoners complained that they felt they were being punished over and above their original sentence. The diet was considered to be ‘a punishment superimposed upon that to which they were originally sentenced’ (NAM, CCP/Superintendent’ Letter Book, 1850-53, 25/02/50). Being fed just twice daily would offer the bonus of spending less time on meals and it would also cost about two shillings a week less.

Comparing the two diets (Appendix D) one realises that the nutritional value of the proposed diet would be much less than the old diet. Although there was to be an increase in bread for the 4th and 5th class of prisoners, there was to be a decrease in cheese, oil and soup. The recommended diet was adopted later in the year (NAM, CSG/04/22:502-505). The inspector in his yearly report was satisfied both with the discipline and the diet allowance, but he recommended that an allowance of four, six or eight ounces of wine should be given to prisoners who had one, two or three good conduct strips respectively. This would give an incentive for long-term prisoners to behave better in order to gain more good conduct strips.

Appendix E shows the dietary allowance of prisoners in 1860 and 1870. The prisoners in these decades had more to eat then those in 1850. From day one prisoners were given meat, olives, cheese or salt fish with bread, coffee and soup. Rations were gradually increased the longer one stayed in prison. For example first class prisoners would have six ounces of bread for breakfast and 20 ounces of bread, one pint of soup and three ounces of pork for dinner. While prisoners in the fifth class would have six ounces of bread and a pint of coffee for breakfast and 24 ounces of bread, a pint and a half of soup and six ounces of pork for dinner. Contractors supplied food for the prison; and the authorities refused any food that was not up to standard (NAM, Blue Book, 1860 and 1870). The Superintendent recommended the renewal, or not of contracts. He based this decision on the quality of the food and the price (NAM, CCP/06/1). Prisoners with good conduct strips or employed would receive an additional allowance of fruit and wine with their daily ration according to Article 48 of the 1961 regulations (NAM, Blue Book, 1860 and 1870). Food was not always of the best quality especially during the summer months. On the 27th June nine English prisoners refused to eat their food because they said that it was inedible. At the end of October, the Superintendent ordered the paste to be returned to the contractor, as it was not of sufficient quality. On the 8th November both the paste and the salt fish where returned and on the 13th December wine was returned (NAM, CCP/10/1). The warder cook was under the command of the chief warder. He resided in prison and when on the 9th February 1870 he did not return to service after his day off an investigation was started. It was concluded that he did not return due to illness and it was recommended that he should be given a week's vacation to help him recuperate (NAM, CCP/06/1). There was no formal concept of sick leave.

The dietary tables are very precise in the amount of food that the prisoners were to be given. Rations are not calculated on general portions, the exact weight of ingredient is given. Even the making of the soup had the recipe with exact measures so as not to give the prisoners more food than necessary. Garland (1990:185) maintained that emotions gave way to the rational and scientific method with the birth of the social sciences and a change in thinking. The emphasis was no longer on morality but on science – punishment became a science. Discipline was precise and the same careful calculus applied to food. Diet was increased according to class. It seems that the more the prisoner was modelled according to the prison regime, the more the prisoner was

rewarded with food. Food was also used as part of the regime to bring about a change in the prisoners' behaviour.

A prisoner in England would eat bread, potatoes and oatmeal gruel. For those sentenced for more, that 21 days the diet would be increased by some meat and soup. Those who spent more than four months in prison would have some cocoa (Priestley, 1999:150). The prisoners in Malta probably fared better. Short-term prisoners were still fed only bread and soup, however those sentenced to more than 3 days imprisonment where given some cheese, salt fish and oil, or olives. Prisoners sentenced to hard labour for more that 14 weeks were given meat. Long-term prisoners were given coffee and could earn fruit as privileges. The Maltese diet was more varied and more in accord with the daily diet of the Maltese population of the time. The dietary not only dictated the amount and type of food to be fed to prisoners but also how the food was to be cooked. Such food was not only of poor nutritional value but also repulsive (McConville, 1998:133). Prisoners complained constantly that they were hungry (Priestley, 1999:153). This type of diet was least satisfactory for the vagrant and beggar, who would be sentenced to a few days imprisonment, receive a poor diet and leave prison only to return with a new short sentence a few days later. This contributed to the poor health of a particular sector of society (McConville, 1998:132). This was true both for Malta and England. When one observes the diet tables it is no wonder that prisoners were always hungry. The amount of food in the diet is barely enough to sustain a person. Living on 26 ounces of bread, some soup and pork is not enough for a grown man. The strict diet predicated on not wanting to give the prisoner an easy life. By removing comfort, the prisoner would reform more quickly and society would not have the impression that prisoners were being pampered. This meagre diet was made worse when prisoners were subject to the punishment of bread and water, as the soup with its limited nutritional value would be removed. The harsh diet was also justified by maintaining that abstinence was beneficial to health.

The Royal Commission in the 1840s commented on the Maltese population of the time that '…the Nobles were starving, the rest of the population was even worse' (Busuttil, 1973 cited in Cassar, 1988:99). During the beginning of the 19th century Malta was undergoing a depression. During the Knights and the Napoleonic era until 1813, Malta used to benefit from the surplus harvests of the Kingdom of Naples and Sicily. After 1813, King Ferdinand II did not allow this exportation to continue, probably as he had lost sovereignty on the islands of Malta and Gozo. This led to an increase in the price of grain. It was sold for more than twice the price in Malta than in the neighbouring island of Sicily.

The daily life of the Maltese was hard and most of them had trouble making ends meet. Food as described by visitors to the island was frugal. Most people ate barley bread, cheese, olives, garlic, onions, salt-fish and dried fruit. They also ate fresh fruit and vegetables when in season. The

population also enjoyed *minestra*[7] - a diet similar to that given to prisoners. The quantity was probably much less but the type of food with the exception of fruit and wine was the food that the prisoner was used to when in society. Work was another aspect where the scientific method was considered to be of paramount importance.

Work

Work was an integral part of the prison regime. The Superintendent had the duty to see that there was enough material for hard labour and for other prisoners to be employed (Prison Regulation 1850:Sec.56). During 1850, 19 prisoners were employed in various trades, 20 in breaking stones and six as jobbers in the prison, gaining a total profit of £52 10s (Table 5.4). In the first four months of the year the prison had produce 5,300 braccia[8] of cord for chairs, 60 small brooms and six baskets of sorts. A month later they had produced 24 canne[9] of cotton, six and a half dozen brooms and 2,700 braccia cord for chains (NAM, CCP/Superintendent's Letter Book, 1850-53, 04/05/50). The capstan pump was only to be used for those sentenced to hard labour excluding children under 14 years (Prison Regulations, 1850:Sec.58). Although Rusche and Kirchheimer (1939) maintain, that the prisons were training grounds for the labour force, work such as breaking of stones and cleaning (jobbers) did not prepare prisoners for the labour market. This coupled with the fact that most persons were employed prior to entering prison does not seem to indicate that the prison was used to train people for the needs of the state. Young prisoners were

Table 5.4: The prisoners' trade in 1850

Trade of Occupation of Prisoners	**Daily average no. of Prisoners employed**	**Rate of earnings/day of 8 hrs–300 days/year***	**Amount**		
			£	**s**	**d**
Tailors and bed makers	10	2d	25	0	0
Mat and cord makers	5	3d	18	15	0
Carpenters	2	4d	10	0	0
Weavers	1	3d	3	15	0
Shoemakers	1	4d	5	0	0
Stone Breakers	20	1d	25	0	0
Jobbers	6	2d	15	0	0
Total	45		102	10	0
Deduct expenses of Material and Tools			50	0	0
Net profit by prisoners' earnings			52	10	0

Calculated as 2/3 of English earning for these trades.
Source: Adapted from NAM, Superintendent's Report, 1850

[7] 'Minestra' is a form of vegetable soup with pasta and potatoes. It formed part of the Maltese staple diet
[8] Braccio (plural braccia) is an old Italian measurement. A Florentine braccio is equivalent to 58cm ('Vocabolario della Lingua Italiana, 1898).
[9] Canna (plural canne) is an old Italian measurement. A Tuscan Canna is equivalent to 2.33 meters long or four braccia (Vocabolario della Lingua Italiana, 1898).

not made to perform hard labour at the capstan pump probably because it would have been seen as unnecessarily cruel by the more sensitive upper classes.

Employment in 1860 included tailoring, weaving, shoemaking, carpentry, mat and broom making, stone cutting, and jobbing. This work was considered to be hard labour. During 1870 the type of work that prisoners could perform was increased to include tinnery, plastering and whitewashing, breaking of stones for repair and wheeling a barrow. These types of labour were not classified as hard labour (NAM, Blue Book, 1860 and 1870). All prisoner condemned to hard labour were employed, the only exception being those who were sick or blind (NAM, Blue Book, 1860 and 1870). With the appointment of Oliver St. John in 1860, the prisoners, according to the Superintendent of police, were working harder. He wrote saying that the trades had increased and prisoners were showing 'willingness, zeal and activities in different tasks' (NAM, LGO/30/4478), including plumbing, carpentry, masonry, white-washing, painting, breaking of rocks, agriculture, gardening, tinnery and shoemaking (for the police). Clothing for prisoners was sewed on the premises (NAM, Blue Book, 1860 and 1870). The Superintendent of police asked the governor to allow prisoners an extra allowance of bread, as they were working hard and hard working men needed more food. This contradicts the governor's letter to Mr Price stating that discipline in Corradino prison was lacking (NAM, CCP/10/1, 19/12/1860). In general the more the prisoner became part of the system the more rewards, usually in the form of food, were given (Foucault 1977:184). Another possibility was that people who worked hard needed more food to sustain them. Leaving hard working men with little subsistence would have resulted in less work.

Oakum picking was probably reintroduced at the end of 1860 as a request was granted to pick old rope from the dockyard (NAM, CCP/07/2, 05/12/1860). In 1870 oakum picking was one of the most popular methods of hard labour. Letters addressed to the naval store keeper advised him that 19 bundles were ready in February, 21 bundles in May, 18 bundles in September and 26 bundles in January 1871 with requests for him to supply more rope junk for oakum picking (NAM, CCP/06/1). The prisoners' labour was used to supply the navy with oakum required for ships. The labour was also used to supply other institutions, such as hospitals with necessary items such as bread, mats and bedding. In this manner the prisoners were supplying some of the needs of the state. It is more probable that the prison supplied free labour rather than being a training ground for the labour force.

If the Superintendent observed that a prisoner's health was being affected by discipline, diet or work he could order adjustments to be made, subject to approval by the inspector of prison and Chaplain (Prison Regulations, 1850:Sec.61 and 123). The inspector was satisfied with the 1850 work regime. He maintained that whereas the prisoners hated the work under the old regime, they looked forward to it under the new system especially as it alleviated a long sentence. Prisoners condemned to life, but who behaved in the appropriate manner, were allowed 'the

privilege of breaking up rock, outside the prison walls' (NAM, GOV/01.2/26, Dispatch 5). The Superintendent requested and was granted the permission of employing an overseer for work conducted outside the prison walls (NAM, CSG/04/22:502-5). Those condemned for more than five years imprisonment and of good conduct were allowed to assist in the kitchen or infirmary. Inmates who were serving a prison sentence from one to five years were given duties as plumbers, cleaners or as odd jobs men. All prisoners sentenced for more than six months were allowed to learn a trade and given schooling (NAM, CCP/Inspector's Quarterly Report, 1850). No inmate sentenced to less than six months imprisonment was to be taught a trade, but all inmates could attend school (NAM, CCP/Superintendent's Letter Book, 1850-53, 19/02/50).

In England prisoners condemned for hard labour worked the capstan pump, threaded the wheel or worked the crank (Priestley, 1999:125). In Malta hard labour consisted of working at the capstan pump (NAM, Blue Book, 1850, 1860 and 1870). The pump did not work from mid-1850 because of insufficient water, and its use was discontinued (NAM, CCP/Superintendent's Letter Book 1850-1853, 19/04/50). Some prisoners were sentenced to public servitude required to perform public works – usually cutting stone for the construction of roads, ditches, railways and for use in the harbours (NAM, Blue Book, 1850, 1860 and 1870). According to Foucault public works were used as a punishment because of a change in thinking. Crime was no longer conceptualised as offences against the king but as injuries to society, and public work by prisoners was both a visible punishment and some recompense for harm done (Foucault, 1977:109).

Oakum picking was by far the most popular form of hard labour in Corradino prison but this form of work stopped in 1860 due to a lack of junk rope in prison. The Superintendent did not ask for more rope and the practice came to an end. This contrasts with a more thorough going commitment to oakum picking in English prisons where a required weight had to be picked each day (Priestley, 1999:139). Prisoners performed all the necessary tasks for the prison to be self sufficient with the exception of food. Prisoners also earned money for the prison by performing jobs for other governmental institutions. Prisoners were given gratuities according to the job they performed. The prison was a place where prisoners sentenced to long periods could be taught a trade.

Unsurprisingly, English prisoners showed resistance to work, most commonly by doing as little as possible. Quinton (1910:41 cited in Priestley, 1999:139) maintained that to watch prisoners at work was like watching a machine moving in slow motion. Another form of resistance was to talk during work. They would talk in a very low voice until a whistle would be sounded and than silence would resume. Prisoners would also steal another's work to get credit for work they had not performed. Others refused to work, preferring to be punished (Priestley, 1999:140). In Malta there is no documentary record of resistance to work (underperformance, refusal to work or theft of another's work), although there is evidence of prisoners' talking. This suggests that the demands

made on prisoners were less severe in Malta than in England, or that supervision was more lenient. The latter may be a consequence of the first head of prison being medically qualified, with stricter supervision apparent on the appointment of the ex-military captain, Mr John Price. The weight of evidence is of the authorities being pleased with work performed by prisoners, with no punishments given for work not done or badly done. There is certainly no emphasis on hard labour as defined by the Carnarvon Committee (1863) – 'work which visibly quickens the breath and opens the pores'.

Prisons were denounced, as places were the labour force was trained and capitalism maintained (Garland, 1991:102). A place where prisoners where cast and moulded, where prisoners reformed according to the dictates of the prison regime (Garland, 1985:14). With the rise in criminality, crime control was brought into the agenda of all politicians (Garland, 1991:103). The prison was a place of industry. Prisoners were not allowed to idle their time but had to work. The prison was constructed around economic enterprise as the reformers saw idleness as the principle cause of crime. Work was compulsory, however so was payment. Prisoners worked to reform, to earn money and to gain privileges during their incarceration. Punishment tempered with sensibility in support of the second hypothesis.

In the first part of this chapter emphasis was given to the prison regime, particularly the security, the diet, and the work that the prisoners were subjected too. These data categories have started to support the emergence of the hypothesis. The prisoners were petty non-dangerous men while the discipline seemed to be intended for much harsher criminals. The prison regime was intended to cast prisoners, transforming them into law-abiding citizens. The next sections analyze the people working in the prison.

Governance

The prison was under the jurisdiction of the government and under the direction of a Superintendent. Members of the Board of Visitors also visited the prison. The Blue Book (1850, 1860 and 1870), mentions that during 1860 the Visitors visited the prison monthly while in 1870 this doubled. The Visitors are mentioned once in 1860 when a prisoner complained to them that he was not being treated well. After investigation, they found that this complaint was unfounded (NAM, CSG/04/31/4362). The inspector also visited the prison on a weekly basis and when necessary, more frequently (NAM, Blue Book, 1860). The prison was run by the elite business class, including the governor and assistant, the doctor and the Chaplain. They exercised significant influence (Vold and Bernard, 1986: 286).

The prison inspector was established by the Prison Act of 1835 in the UK. Inspectors and Board of Visitors worked together both in the UK and in Malta. In 1850, Dr Collings was inspector of charitable institutions and prisons for Malta. As inspector he was called upon to inspect the

building of the prison and the daily running of the prison as well as in cases of certain cases of discipline, both with regards to prisoners and warders. He was also consulted if the prison regime was to be changed, and in other matters that did not fit the normal day to day administration (Prison Regulations, 1850:Sec.76). The governor (NAM, GOV/01.2/25/36) considered this post essential asking the Secretary of State to extend the inspector's contract for a further two years.

He considered the post as 'absolutely necessary in the prison to afford a chance of consolidating a system of reformatory discipline suited to the climate and habits of the people' (NAM, GOV/01.2/25: 36). The Superintendent did not seem to be in a position to solely decide how to employ prisoners. The Superintendent was accountable to the inspector of prisons. The inspector was usually an English man. Although the daily running of the prison was entrusted to a Maltese the supervision of the prison was not. Here again the influence of the powerful is felt. This time this influence is not only felt with regards to classes but also to nations. The authorities of the British Empire, while willing to allow a loyal Maltese professional to run the prison were not willing to leave the prison without any English influence. The norms and values of the Maltese professional class would have be significantly different than those of the English professional class, the later being heavily informed by the protestant ethics (Chambliss and Seidman, 1971).

There were few visits by the inspector in 1860, probably because he was also the Superintendent of police. In 1870 Inspector Antonio Zammit sometimes visited the prison more than once a week (NAM, LGO/48). The prison paid the expenses for the Inspector's travel (NAM, LGO/48/9336). In the correspondence and in the Superintendent's journal of 1860 it is clear that the Superintendent of police performed the inspector's role. This role was later given to Magistrate Vella who was one of the Visitors (NAM, CCP/10/1 and NAM, CCP/07/2). In England the role of the inspector was seen as important to keep uniformity in prison discipline and to maintain a level of acceptable punishment. Inspectors were to see that prison disciple was not slack. The establishment of the inspectorate in the 1840s led to the establishment of the reform movement (Ignatieff 1978:188-189). This effect was also felt in Malta with the Superintendent asking for the renewal of the inspector's contract, as it was seen to be essential for maintaining and developing standards.

The Board of Visitors, established 25th May 1849, was another part of prison governance, comprising: the chief secretary to the Governor, the president of Her Majesty's Court of Appeal, Her Majesty's judges, and five other persons to be named by the head of civil government. They were authorised to inspect the state of the prison, inquire on the health of the prisoners and to report to the head of the civil government (NAM, Government Gazette, Friday, 28th May, 1849). In addition to the persons stipulated in this ordinance, the 1850 regulations provide for an additional five members. The general duty of the Visitors was to watch over the prison, the prisoners and the workers (Prison Regulation 1850:Sec.1-2). The Visitors were people coming from the upper class

of society. The members had little idea about the daily lives of the prisoners as they came from a completely different background. They would have thought that they knew what was good for the prisoners, especially if they had read treatises (e.g. Beccaria, 1764; Bentham, 1843 and Quetelet, 1842) on the new ideas of why people commit crime and what could be done to change their behaviour.

More specifically the Visitors had responsibility for the welfare of prisoners, including visiting prisoners under solitary confinement, deciding on the appropriate distribution of literature to prisoners and allowing more food than allotted by the daily regime to certain prisoners (Prison Regulations, 1850:Sec.4). In several cases the Board of Visitors would report to the Governor of Malta. Prisoners could also complain about the treatment that they were receiving to the Visitors (Prison Regulations 1850:Sec.5). As the Visitors were influential and probably rich people they could easily perform the role of assisting prisoners. This idea is concordant with the change in thinking that was prevalent at the time. Not only were prisoners to be helped to reform they were also to be assisted once outside prisons. This is similar to Durkheim's (1902) idea of occupational groups showing in this instance kindness to help in the moral re-integration of the prisoner (Hirst, 1975:134).

The Board of Visitors also had a disciplinary role and could act in relation to commendable and refractory behaviour. In the former cases they could recommend that the prisoner should be granted a pardon. In the latter, where normal day to day discipline has failed, a member of the Board of Visitors could condemn the prisoner to solitary confinement not exceeding one month or to 'personal correction' i.e. lashes. In urgent cases a Visitor could order a prisoner to be put in irons (Prison Regulations, 1850:Sec.6-14). The Board of Visitors had to keep two journals – The Visitors' Minute Book', containing a record of the visits and observations made by the board and 'The Visitors' Order Book', containing all orders given by the Board of Visitors (Prison Regulations, 1850:Sec.16-17).

The prison regulations stipulated that the Board of Visitors was to act as the guardian of the prison, but there were few interventions in the first year. In their quarterly report they admit that they did not take any action, so as to allow the prison to settle in its new regime. Furthermore, the annual report reflected the recommendations of the inspector, the Superintendent, the Chaplain and the deputy Superintendent. The four agreed with the recommendations given by the inspector although they do not mention the use of the gag and stocks. It seemed that where they did not agree they preferred not to mention the subject rather than criticise it. The Visitors decided that at least three of them would meet once a month to visit the prison. However, their lack of visibility in any ledger leads one to doubt their diligence. Although theoretically the Visitors had a very important role they did not perform it. They probably did not want this work. They served to protect the sensibilities of the people in as much as society was kept tranquil that the prison

authorities had a group of people to check their actions and would prevent any barbaric punishments.

In the two decades that followed this situation did not change much. The prison was visited by the Superintendent of police and by members of the Board of Visitors, but there was no fixed pattern to their visits. They could visit the prison twice a month or not at all. Although the Visitors should have visited the prison, from the superintendent's journal, (NAM, CCP/10/1) it is clear that the Superintendent of police visited the prison most. Sometimes prisoners protested to the governor. He visited the prison twice in 1850. He granted a warrant of discharge to one prisoner and asked the Superintendent to draw up a list of prisoners who merited to be pardoned to relieve overcrowding (NAM, CCP/10/1). This pattern was repeated in 1870, with the Visitors going to the prison not more than once every month (NAM, LGO/48-64 Superintendent's Weekly Reports, 1860). Members of the visiting committees in England, which are the equivalent of the Maltese Board of Visitors, were not very effective as the Prison Commission seemed to ignore them (Forsythe, 1991:24). The Board of Visitors in Malta seemed to have more power but they did not exert it, they left their role in the hands of the inspector. The enactment of the Board of Visitors was a result of the change in thinking and sensibilities. Deterrence and reform influenced punishment in this era. The role of punishment as an 18th century judge said was to educate people on acceptable and unacceptable behaviour or as Foucault (1977:23) put it to control the working class by using the criminal as an example. The Visitors are the classical example of the use of power from the upper classes of society to change the values and norms of the lower class. They controlled the welfare of prisoners and were consulted in cases of grave discipline measure or when a prison merited a pardon. Had they used this power they would have been in an optimal position to influence the prisoners' lives and they could have brought about the desired changes at least in the short run.

The prison was governed by the Superintendent, who was accountable to the inspector, to the Board of Visitors and to the Governor. Internally, the Medical Officer and to a certain extent the Chaplain, counter-balanced the power of the Superintendent although Pratt (2002:117) maintains that the role of the Chaplain and the doctor was that of institutionalizing the prisoner. The role of the Superintendent is one of head of the prison (Prison Regulations, 1850). On the 8th January 1850 (NAM, CCP/Superintendent's Letter Book, 1850–1853) he was directed by the inspector to write to the Superintendent of police, so that all sentenced prisoners would be sent to Corradino prison (NAM, CCP/Superintendent's First Quarterly Report, 1850). The authority of the prison Superintendent is defined in the following manner:

> He shall exercise his authority with firmness, temper, and humanity; abstain from all irritating language, and not strike a prisoner. He shall enforce similar conduct on the subordinate officers.
>
> (Prison Regulation, 1850: 7)

The Superintendent was responsible for discipline and humane treatment. Prisoners could not be hit, prisoners could not be searched in front of other prisoners, and prison rules had to be hung in a prominent place and read to every prisoner within twenty-four hours of admission. There was discipline, tempered by sensibilities and humanity.

For cleanliness and humanitarian purposes, prisoners were to be given enough clean clothing and bedding (Prison Regulations, 1850:Sec 44-49). Each prisoner was given one wool mattress, one cotton coverlet, a double blanket, and a pillow and case. These were aired and washed according to need (NAM, CCP/Superintendent's Quarterly Report, 1850). The Superintendent was responsible for the overall cleanliness of the prisons (Prison Regulations, 1850:Sec 30). Prison cells that were not occupied were left open for ventilation (NAM, CCP/Superintendent's Quarterly Report, 1850). The Superintendent was expected to attend all services in the prison chapel. His purpose of attending was two-fold. It reflected changing sensibilities and a clear attitude to discipline. As regards the former he would show that he was not above the prisoners hearing service with them. As regards the latter he would also be checking on both prisoners' and officers' attendance as this was compulsory (Prison Regulations, 1850:Sec.27).

All discipline orders given by the Superintendent had to be entered in 'The Superintendent's Order Book' (Prison Regulations, 1850:Sec.25). He had the power to suspend any officer in case of misconduct, with any such action to be reported to a Visitor (Prison Regulations, 1850:Sec.26). In reality reports were made to the inspector (NAM, CCP/Officers Misconduct Book, 16/04/1850). The Superintendent also kept another journal where he recorded any important happenings related to health, discipline or employment. The locking and unlocking of prisoners also made part of his duties, which he delegated, to the warders. No one was allowed inside or to leave the prison until the morning except, the prison Chaplain, but only then in special circumstances (Prison Regulations, 1850:Sec.33).

Weber divides leadership into three types (Abercrombie, Hill and Turner, 1988:136). The charismatic leaders who lead because of certain qualities that their followers attribute to them, the traditional leaders who are leaders belonging to a certain class or family and the legal leader who lead because of bureaucratic organisations. Legitimate leaders, like the prison Superintendent, have power and authority because this is given to them through the legal norms of bureaucracies. Outside the bureaucracy their power does not exist. According to Archambeault and Archambeault, (1982 cited in Peak, 1995:243) prison administration is a hierarchical prism. The top administration is composed of the head of prison (Superintendent or Director) as the top administrator and the assistant director (chief warder) as the executive manager. Under them there is the middle management – senior warders. At the third management level one finds the supervisory management level i.e. the trade instructors or educational personnel. These are followed by the line correctional supervisors i.e. the warders. The prison is run like a military

organisation. In the beginning there was an attempt not to have a highly military organisation, probably due to a change in thinking about the role of prisons, with a doctor as the head of the prison. This was not sustained for long and military men soon took the lead role, with military-style uniforms and hierarchy of command – the centralised power signify authority, discipline and control (Fyfe, Greene, Walch, Wilson and McLaren, 1997:110).

The Superintendent also had an administrative role. He was responsible for the keeping of inventories of all movable and immovable property of the prison (Prison Regulations, 1850:Sec.81). Any donations given to the prison also had to be registered, accounting for their use and which prisoner/s benefited. If a prisoner paid a fine, he was responsible that this payment reached the comptroller of civil contracts (Prison Regulations, 1850:Sec.82-83). The Superintendent had the duty to attend the meetings of the Board of Visitors. During the meetings he was expected to answer questions on the conditions of the prison and the prisoners. Furthermore he had to submit a report containing the list of persons committed to hard labour, and how these sentences were carried out. The Superintendent was also to write to the governor on capital punishment given by the court, the day of execution or the reprieve from the sentence (Prison Regulations, 1850:Sec.87-88). To help him complete all this paper-work he asked for the assistance of a clerk (NAM, CCP/Superintendent's Letter Book, 1850–53). He was granted permission to employ a clerk for 15 days (NAM, CSG/04/22:386). One of the duties of the Superintendent was to fill in the daily journal. This journal (NAM, CCP/10/1) is an account of the prison's daily life. The Superintendent also examined the provisions daily. Another daily account found in the 1860 journal was the number of prisoners received and discharged daily. The Superintendent also inspected the cells almost daily to see how they are being kept. The majority of this ledger comprises an account of disciplinary action taken (NAM, CCP/10/1).

By 1870 the Superintendent could pardon part of a sentence without asking the permission of the governor – the birth of modern day remission. A prisoner who was sentenced to more than two years of imprisonment or imprisonment with hard labour was eligible for remission. On the expiry of the two years he would benefit from a remission of one day per week of his sentence until the third year, and on the expiration of the third year a further two days per week (i.e. a total of three days per week). This was subject to the prisoner's good behaviour (NAM, DSS/68/34). With the birth of reform, professionalism in both the police and prison were born. More discipline meant that the people in charge had to have the ability to make others obey them. The earliest keepers and turnkeys did not show these characteristics, either in Malta or England. Reform and with the change in thinking, discipline and good order, started first in the police where decommissioned military personnel were employed, followed by changes in prison (Ignatieff, 1978:189). The governors of the previous prisons were turnkeys who had been promoted to the rank of governor. With the new prisons this changed. The governor had standing in society and was educated. Officers of the army invariably filled the governor's and the deputy governor's post in English

prisons. The qualities of 'an officers and a gentleman' were looked for in appointing these people (Priestley, 1999:253). Those officers in charge of prisons were seen as respectable public servants entrusted with maintaining public order. This change in role was seen as necessary by the middle class bourgeoisie who were feeling threatened by the ever increasing crime rates and felt that the control of criminals could no longer be entrusted in the hands of ignorant keepers (Ignatieff, 1978:190).

Whilst governors promoted discipline and ran the prison as they would a military base, doctors emphasised care and ran the prison as they would a hospital, where the classification of crime and criminality was seen as similar to the cataloguing of symptoms and disease (Foucault, 1977:190). The crime as disease model justified placing a medical person in charge of the prison. With a military person in charge the prison invariably became more discipline oriented. The difference in the profession of the prison governor prior to becoming head of the prison is important as it shows changes in social and political thinking. Although military personnel were not put in command in Malta in the early years, they became more prominent later, probably following complaints from the military and naval authorities.

Welfare

There was a complex relationship between discipline and medicine. In 1850 the prison Superintendent was also the Medical Officer. In that capacity he was to visit each prisoner at least twice a week. Every prisoner was also to have a thorough check-up once a month. He could also order the removal of prisoners from cells due to medical reasons – all transactions were kept in a medical journal. On admission each prisoner was to be examined by him and a certificate of health issued. On discharge the prisoners' state of health was also to be noted. Prisoners in solitary or closed confinement were to be visited daily. He had the duty to inspect the prison for dirt, damages, poor ventilation, putrid water and extreme temperatures (Prison Regulations, 1850: Sec 114-127). On the 27th April 1850 he issued an order by which all prisoners had to be clean shaven with their hair cut (NAM, CCP/10/1). By 1860, the Superintendent was not necessarily a Medical Officer but he had to see that the prison and the prisoners were clean. He would inspect the prison almost daily and issue orders to remedy any problems to the chief warder. The role of the Medical Officer was also one to bring a physical change in the inmate. Inmates were undressed, bathed, examined by the doctor, shaved, given a haircut and given a uniform. Ignatieff (1978:101) maintains that these rituals had the purpose of humiliating the prisoners. The cleaning of prisoners was not only aimed at keeping the prisons free of disease and vermin but also in removing any form of individualism those prisoners had. They enforced the power of the state not only to subjugate the prisoners' actions but also their outward appearances. This lack of individualization (Garland, 1985:26) continues to enforce the lack of individual care found in the era.

The Medical Officer also had to prepare a quarterly report for the Visitors. The report would include the general prison sanitation level and a report on the prisoners' health (Prison Regulations, 1850:Sec.134). The assistant Superintendent, who was also a Medical Officer, prepared this report in 1850. This shows that it was the latter that was entrusted with the health of the prisoners. This was necessary as the Superintendent had many duties to perform, while having the added bonus of separating the duties of the Superintendent from that of Medical Officer, allowing the role of the Medical Officer as guardian to develop. In the annual report the deputy Superintendent concluded that the hygienic standards of the prison were satisfactory as no epidemic was found to have originated in prison and the general health level of prisoners was good: three-quarters of the prisoners had not requested any medical assistance. During 1850 he was requested to assist prisoners on 299 occasions with the comptroller of charitable institutions, supplying upon requests any medicine needed in the prison (NAM, Blue Book, 1860 and 1870). The duties of the medical doctor were as important as those of the Superintendent. He was primarily responsible for the well being of the prisoners. As most reformers (change in thinking) were either doctors or philanthropists (Ignatieff, 1978) and crime was regarded as a disease, it is understandable that the doctor was given such a central role in prison administration. Everything was regarded as scientifically calculated. The role of the Medical Officer was aimed at modifying the prison routine when necessary but also at keeping the running of the prison under scientific scrutiny.

The Medical Officers, assisted by the infirmary warder, would visit all prisoners who require his assistance or were sick, daily or as often as required. The prison had an infirmary with separate apartments for the sick. In 1860 the most prevalent sicknesses were gastric and bronchial infections, common fever and rheumatism. In 1870 the infirmary was converted into a debtor's prison (established by the 1831 Prison Regulations), and sick prisoners were kept in their cells. If they had a contagious illness or were insane they were transferred to the appropriate hospital. The most common sickness in 1870 was gastritis, diarrhoea, rheumatism and bronchitis (NAM, Blue Book, 1860 and 1870, NAM, LGO/64/9544). In 1870 (14th June), the Superintendent asked for a medical board to be set up in order to assess two prisoners affected by a severe illness (NAM, LGO/48/8158/8216). On the 16th September permission was requested to transfer a prisoner, suffering from heart disease to the central hospital (NAM, CCP/06/1). When the death of a prisoner occurred, the Medical Officer had to make a report on the death and the symptoms leading to the demise (Prison Regulations, 1850:Sec.132).

Prisons had doctors who were responsible for the medical care of prisoners and certifying that they were fit to undergo the sentence imposed by the court. They also had the function of acting as a protector of prisoners, primarily through regulation of the general prison diet. When the Superintendent was the Medical Officer he would give the responsibility for medical care to his assistant. Medical interventions to modify punishments were rare. There was a single case where

the doctor considered a young boy could not sustain the punishment imposed. But otherwise no interventions are recorded in a four year period (NAM, CPP/Superintendent's Letter Book, 1850-1853, 13/03/50).

The ailments that prisoners had – gastric problems, bronchitis and rheumatism – may point to problems with the diet and the high humidity that there was in the prison. Trachoma[10] and undulant fever[11] feature amongst the most frequent illnesses incurred by the Maltese population during this era. Trachoma is mentioned as a disease only in 1885 and this would account for the apparent absence of this disease in prison before that time. This disease was so common that before its identification foreigners would comment on the weak eyesight of the Maltese (Cassar, 1964:235). Flies were common in Malta and found everywhere. The heat helped in the production of flies and the lack of hygiene assisted their existence. In Malta there was a general lack of water. This resulted in lack of cleanliness and therefore diseases. One could imagine the shock faced by prisoners who were expected to take a bath every week and to wash themselves in their cells every day, when their habit was to wash as scarcely as possible. Undulant fever was also common because of the tradition of milk vendors milking their goats outside their patron's homes to show that the milk was fresh. As there were no sanitary controls on the animals and no pasteurisation the transmission of this disease would have been easy (Cassar, 1988:106). The prison's medical records do not mention undulant fever as one of the diseases found in prison but they could be included under the general heading of fevers. Some short-term prisoners might have brought the disease with them from the outside world but long term prisoners were safe, as they would not have had any fresh milk during the length of their sentence.

Conditions in prison were probably better than those found outside prison, at least for the lower class. The general hygiene was better than that found in the outside society. When in 1850 there was a cholera outbreak, no prisoner caught the disease (NAM, CCP/Annual Medical Report, 1850), although about three per cent of the population caught it and there were 1,736 deaths (1.4% of the population) (Cassar, 1965:199). Doctors were partly responsible for the reform that took place in prison. John Fothergill a Quaker physician in America, was drawn to the prisons because he was one of the medical men attracted to bringing hygiene in institutions that housed the poor: 'The doctors regarded the hygienic reform of institutions as a moral, no less than a medical crusade' (Ignatieff, 1978:60). Dirt and the illness of the poor were constructed to mean a lack in morality and discipline. Therefore hygiene was one of the components to bring about a change in morality and to reform criminals in prison.

While the medical doctor was responsible for the prisoners' health, the Chaplain took care of prisoners' instruction, both for religious and academic subjects. A non-Catholic prisoner could request the services of a representative of his religion. According to the prison regulations the

[10] Trachoma is an eye disease transmitted by flies that can lead to blindness.

Chaplain was to perform service on Sundays and other obligatory days for the hearing of mass according to the Roman Catholic Church, perform the sacraments and give general religious instructions to prisoners. The time for which was to be fixed by the Visitors. Prisoners of classes B, C, D, and E went to service in the chapel daily, except on the Chaplain's day off (Prison Regulations, 1850:Sec.99-102). The role of the Chaplain related changes in thinking, the sensibilities of the people, the commitment to discipline and the needs of the state. The change in thinking to reform prisoners necessitated the introduction of the Chaplain to convince prisoners of their wrong doings and to mould the prisoner according to the wishes of the state. On the other hand the Chaplain could be useful to help the authorities in keeping prisoners quiet and disciplined and at the same time pacify the upper classes that prisoners now had the services of a Chaplain to take care of the souls and morals of the unruly classes. The Chaplain's role was also to convince prisoners to accept the guilt and to be penitent (Ignatieff, 1978:75).

The records held in the Chaplain's annual report (1850) show that the Chaplain was offering a morning and evening service daily, with the exception of Thursdays. The morning service included the celebration of mass, the recital of the rosary and the benediction of the Blessed Sacrament. In the evening he would select prayers to be read to the prisoners as part of catechism, he would again recite the rosary and end the evening's prayer session with an admonition of the wrong deeds done by prisoners. The evening sessions were compulsory for short-term prisoners, but long-term prisoners could choose to attend (NAM, CCP/Chaplain's Annual Report, 1850). In his absence these prayers were read by the Superintendent or by another approved officer (Prison Regulations, 1850: Sec 100). The Chaplain delivered sermons on Sundays, each Friday of Lent, Ash Wednesday and the 31st of December as thanks-giving for the year. He also preached to English Catholic prisoners and devoted time to their instruction (NAM, CCP/Chaplain's Annual Report, 1850). The Chaplain also was to see catholic prisoners to try to influence them in changing their lives (Prison Regulations, 1850: Sec 103). In his report the Chaplain stated that during the year, 180 different prisoners attended his services with some approaching the sacraments after a long time. The Chaplain also remarked on the change in character that had occurred in prisoners who face long sentences. He attributed this change 'to the combined effects of judicious religious instruction, and a strict system of discipline, temperately administered'. The Chaplain continued that he has the testimony of various parish priests on this continuing change on the outside, with prisoners who previously neglected their social responsibilities now being careful of them. He quoted an example of an ex-inmate who convinced his sister to abandon the life of a prostitute (NAM, CCP/Chaplain's Annual Report, 1850). Religious or moral instruction was given paramount importance in the new prisons. The attendance of service and the evening services were compulsory only for short term prisoners probably because it was considered that these people needed a greater dose of moral reform than long term prisoners who were given the dose gradually.

[11] Undulant fever is a fever transmitted with the ingestion of infected milk.

The Chaplain was also part of the discipline in prison. He tried to convince prisoners to forget their anger vis-à-vis those who had found them guilty. Prisoners were encouraged to admit their guilt and to accept their sentence. The Chaplain was to induce in prisoners a conviction that the prison authorities had the best intentions. If this failed the prison authorities could resort to more coercive means (Ignatieff, 1978:198).

The Chaplain used to work the whole day with inmates, getting to know them, instructing them and admonishing them. He maintained that there has been a change in the prison … 'Oaths, intemperate language, quarrelling, and fighting are no longer the rule but an exception. The change had resulted in more obedience and respect being shown to the officers and more kindness to fellow inmates' (NAM, CCP/Chaplain's Annual Report, 1850). Divine service was performed every day in 1860. The Chaplain would perform a sermon every Sunday and on feast days. Protestant inmates used the services of a Protestant Chaplain. In the annual report (1850) the Protestant Chaplain wrote that during the year there were 70 Protestant prisoners, only about eight having committed a serious offence. At the end of the year there were only seven Protestant prisoners, whose conduct was described as good. Most Protestant prisoners were either soldiers or sailors. He maintained that the strict discipline at Corradino prison was having the desired effect as fewer soldiers and sailors would pick up fights and end in prison while in Malta. He visited Protestant prisoners once a week delivering public services on this occasion. This service included the reading and explaining of the Holy Scriptures. He also delivered religious instructions to those prisoners whom so desired and had established a religious library for the use of Protestant prisoners (NAM, CCP/Annual Report of the Protestant Chaplain, 1850). By 1870 the Protestant chapel had been built and service was performed every Wednesday, Friday and Sunday (NAM, Blue Book, 1870). This is confirmed by the weekly report written by the inspector to the Lieutenant government (NAM, LGO/1870/48). The Roman Catholic Chaplain did not reside in prison but he was present between 06:30 to 16:00 hours with the exception of his day off (NAM, LGO/38/5602). The Protestant Chaplain's report emphasise his role in serving the interests of the state. He would discipline under the semblance of love explaining the ideology of imprisonment and convincing people to accept their lot (Marx 1867: 736).

The Chaplain was also in charge of the library and instruction of the prisoners. All books had to be seen and approved by the Chaplain and the governor (Prison Regulations, 1850:Sec.109) in order to be sure that no 'unsuitable' literature was available for prisoners. As schoolmaster the Chaplain was responsible for seeing that there was enough reading material, slates, copybooks and other material for instructions. The Chaplain, with the inspector's help, was also to draw rules for the receipt and dispatch of letters and prepare a list of books required to form a small library (NAM, CSG/04/22:502-504). He was to encourage prisoners to attend lessons, but no prisoner was compelled to attend. In the first week of each quarter he was to submit a report to the Visitors on the religious and moral instructions and on the conditions of the prison. Instruction was considered

important. Even those condemned to hard labour had to be allowed time for instruction (Prison Regulation, 1850:Sec.110-112). In the 1850 Chaplain's annual report 27 prisoners received instruction, thirteen of these English and the rest Maltese of these, fourteen prisoners were discharged. All had some reading and writing knowledge that would prove useful to them. When the Chaplain was writing the report there were 12 prisoners attending the school, three of whom had not learned sufficient reading and writing skills. The prisoners seemed to like their lessons as no misconduct report was lodged for misbehaviour in school. The instruction and library were left in the hands of the Chaplain. Again no improper material would sully the minds of the prisoner. They were in prison to reform. They had to be instructed, taught numerical and literacy skills and possibly even a trade. The absence of these skills pointed to prisoners being out of step with the norms and morals of society (Durkheim, 1893), thereby justifying remedial interventions.

The inspector was pleased to inform the governor on the moral improvement of prisoners. He wrote that within twelve months 'profanity, recklessness and insolence have given place to seriousness, quietness and respect' (NAM, CCP/Inspector's Annual Report 1850:5). The inspector in his report further sustained his conviction that the drop in crime rates during 1850 was the result of the moral instructions received by prisoners of 'poor' character by the prison Chaplain. The Chaplain also improved the educational level of 27 inmates. These inmates had entered the prison illiterate. They left with some reading, writing and numeric skills. The education of prisoners was important, but Sir Edmund Du Cane (1885, cited in Priestley, 1999:111) concluded that hard labour as moral instruction were the cornerstones of reformation, with education playing a much more modest role.

Religion and humanitarianism played an important role in shaping the prisons of the 18th and 19th century (Garland, 1991:203). Religious belief was of paramount importance in deciding how prisoners should be treated. The prison itself owes its origins to the monasteries. It was the Roman Catholic Church, which started the prisons, with their solitary confinement and discipline, which were later transformed into secular prisons. Offenders were seen as sinners, to be helped to repent for their wrong doings. Offenders had to be punished not only in the name of the law but also to redeem themselves. Offenders were subjected to prayer, the reading of the bible, sermons and other religious functions. Crime and morality/wickedness were firmly linked in the minds of the prison administrators and reformers. Although the writings of Beccaria, Bentham, Mill and Lombroso had the effect of introducing freewill and the born criminal into penal policy, in the mid 19th century, religion still played a crucial role in prison life.

Religious intervention was seen as being necessary for the moral development of prisoners and their discipline. The Chaplain was not only to deliver daily divine service but also to admonish prisoners for their behaviour when outside prison. The answer to the prisoners' 'wickedness' was 'repentance and reform'. The Chaplain was to read to prisoners from the bible and he was also to

see that they had suitable literature to read. Oscar Wilde is extremely critical of the prison Chaplain. He wrote:

> The prison Chaplains are entirely useless. They are, as a class, well-meaning, but foolish, indeed silly men. They are of no help to any prisoner. Once every six weeks or so a key turns in the lock of one's door, and the Chaplain enters. One stands of course, at attention. He asks whether one has been reading the Bible. One answers 'Yes' or 'No' as the case may be. He than quotes a few texts, and goes out and locks the door. Sometimes he leaves a tract.
>
> (cited in Priestley, 1999:114)

The verdict of the Protestant Chaplain was not a good one. Priestley (1999:113) maintained that the Chaplains in prisons had failed in the outside world therefore they had applied for the posts. The prison Chaplain in Malta was always in the hands of the Franciscan order and they did not apply for the job as their English counter-parts but were sent by the order, although they were paid. Roman Catholic priests in England seemed to command the respect of prisoners. Lord William Nevill at Parkhurst wrote 'I think that Catholics are more fortunate than their Church of England fellow-prisoners, because of the more frequent visits of the priest'. While George Bidwell maintained that the Roman Catholic priests used to speak in favour of inmates when these were treated unfairly (Priestley, 1999:115).

Custody

The prison could not function without the presence of the subordinate officers, i.e. the chief warder and the warders. All subordinate officers were expected to obey the rules and regulations of the prison and to report to the Superintendent. Each officer had a ledger where he inserted the daily running of his section and any problems encountered. In case of inmate sickness they had to report to the Superintendent, the inspector or the Chaplain. They were to reside in prison (in 1850 and 1860) and any absence was to be granted by the Superintendent. They could not receive visitors accept with the permission of the Superintendent. They had the duty to ascertain the security of the premises by checking locks and bolts and seizing all prohibited articles (Prison Regulations, 1850:Sec.89-96). Warders were dressed in dark blue, while discipline officers dressed in black (NAM, CCP/Superintendent's Letter Book, 1850–53, and NAM, CSG/04/23:407-8). Ignatieff (1977:101) maintains that the use of uniforms on inmates took away their individuality. This could as easily be applied to the use of uniforms on warders. While they were necessary for discipline they also functioned as a reminder of being part of the state correctional machine.

The chief warder was responsible for the other warders. He was also to relieve other warders when needed. He also had a special duty to keep the inventory of the prison and a logbook on prisoners (Prison Regulations, 1850, Chief Warder's Duties: Sec.1, 24, and 29). He was the link between the prisoners and the Superintendent and the warders and the Superintendent. Bureaucracy and professionalism are the most important development in the criminal justice

system that have occurred in the last two centuries (Garland, 1991:180). These developments were reflected in the roles and responsibilities of prison warders, especially the ways in which all activities were ultimately governed and regulated, not least to give the impression that the new prison was working under principles of strict scientific experimentation. Professionalism and bureaucracy were closely related. The role and duties of the doctor and warder (in the mid-nineteenth century) and that of the psychologist and the probation officer in the 20th century) cannot be separated from the bureaucratic structure in which they take place. As Weber (quoted in Garland, 1991:183) wrote 'precision, speed, unambiguity, knowledge of the files, continuity, unity, strict subordination, reduction of friction, and of material and personal costs' comprise key features of their jobs'. They suspend all forms of judgement and perform their jobs in neutrality. They do not judge morally the offender for his act outside prison, but prisoners are termed good or bad according to their behaviour inside the institution. Professional conduct and objectivity are the required attitudes. Personal charisma gave way to bureaucracy and professionalism. As punishment was taken from the public sphere it became more remote from the victim. Punishment became an administrative issue as well as a judicial one. Durkheim (1895) noted the rise of professionalism and its role in moderating punishment, even though he believed that punishment was primarily vindictive. There are two conflicting views on prison. One is that of the perfect disciplinary but humanitarian apparatus described by bureaucrats the other deprivation accounts told by prisoners (Pratt, 2002:121).

The role of the chief warder revolved around control. He was subject to a number of rules, but he also subjected others to rules. He was usually more educated than the warders but he did not belong to the ruling class. Rusche and Kirchheimer (1939) would have written that he was used to subjugate the warders and the prisoners – to model both groups according to the needs of the state. While Foucault (1977) would have argued that his role was that of seeing that every part of the machine was working and to subject to discipline any part that was not functioning properly.

Under the chief warder there were a number of warders. The warders had to obey the chief warder's direction and the superior officers of the prison. They were to 'perform their duties with quietness, decorum and dispatch' (Prison Regulations, 1850, Warders' Duties: Sec.2). Furthermore they could not hold idle conversation, quarrel or create any noise. When they summoned prisoners they should use only one word such as 'Chapel', 'Exercise' and 'School'. Even the warders had to respect the silent regime. The warders had the responsibility to see that their section was kept clean. When inmates were at work they had to ensure that prisoners kept a proper distance between themselves. The warders were to report to the chief warder the daily occupation of the prisoners (Prison Regulations, 1850, Warders' Duties: Sec.3-7). When prisoners were locked in their cell and they rang for assistance they had to answer them as soon as possible. If a prisoner of the Church of England and Scotland required the assistance of a spiritual director of his faith the chief warder had to be notified immediately. If they observed any irregularities they had to report it

immediately to the chief warder. If at night-time a prisoner rang his bell, a warder should first look through the trap door. If he needed to enter the cell he would call the other officer and they would enter the cell together (Prison Regulations, 1850, Warders' Duties: Sec.8-18). The warders were the actual tools that made the prison work. Their plight was not much different than that of prisoners. They came from the same social background as prisoners and were subject to the same regime. They were part of the disciplinary apparatus (Ignatieff, 1978:190) and would have been seen by Marx as helping the ruling class subjugate the working class.

Some warders were in-charge of the trade shops. These had the duty to instruct prisoners as often as necessary. They also had to take care and check the tools. They had to report to the chief warder, on a monthly basis the amount of prisoners under their instruction and the amount of work performed. The chief warder would than suggest to the Superintendent any movement of prisoners for more efficient labour (Prison Regulations, 1850, Duties Performed by the Warders as Trades' Instructors: Sec 1-7).

The management theorist Rensis Likert (cited in Phillips and McConnell, 1996:8) described two types of organisations. He calls the first one 'job organisation system'. In this model repetitive industrial work is predominant. In this system jobs are highly organised. Everyone knows what his/her work consists of. This system is easy to control. The second type of management, called the 'co-operative motivational system', is characterised by job flexibility. In this work environment job descriptions are less precise and control on activities is less specific. Phillips and McConnell (1996:9) compare the prison system to the second type of management structure mainly because jobs cannot be totally defined and the warders sometimes will have to act on their own initiative. While this is true to a certain extent, the prisons of the era under study did everything to limit human interpretation and discretion as the science of reform had to be exactly defined and tailored to the disciplinary needs of the state. While no organisation can totally fit into any of these two extremes, the prison of 1850-1870 fits much better into the first type of non discretionary management.

Discussion

The warders were not the turnkeys of the past. The new lexicon reflects a change in function. Warders were not permitted to talk to prisoners except to give orders. They were part of the disciplinary system, constructed after taking into consideration the changes in thinking and the changing sensibilities of society, used to bring about the desired change in the prisoners. The term turnkey gave way to warder meaning guard – a more prestigious title than turnkey (Ignatieff, 1978:190). Rusche and Kirchheimer (1939) would have commented that warders were given a higher status by the authorities to render them accomplices in changing the working class according to the needs of the state.

Prior to the birth of the new prison the relationships between the turnkeys and the prisoners were one of corruption and familiarity (Priestley, 1999:255). This led to the conclusion that none of the prior turnkeys were suitable to be transferred to the new regime. The turnkeys were at liberty to talk to prisoners but warders could only utter one word commands. In the former system prisoners were given all they desired as long as they did not create any trouble. With the new system absolute power was in the hands of the warders. The prisoners had to obey or face the consequences. This new regime attracted some persons who liked to inflict pain on others. These warders reported men on the slightest infraction. Naïve prisoners unaccustomed to prison life would get the most reports. As with all bullies, these warders would try to impose their power on the weak and leave the strong habitual offender alone. In prison one invariably found a number of prisoners that the warders were afraid to tackle, due to their hold on the prison and the fact that the warders were afraid of them – either because they might hurt them or hurt members of their family once they were released.

Wood (1932, cited in Priestley, 1999:258), wrote that 'Warders were cruel and inhumane because the system demanded cruelty and inhumanity of its officers.' If they did not follow the rules they were subject to harsh treatment. Warders were not permitted to speak amongst themselves, they were under a strict regime of behaviour and they had to be careful of prisoners. Their plight was not much better than that of the prisoners. They mostly lived in the prison. Their lives were very similar to that of prisoners with the exception of not having to perform hard labour and being at liberty to go to their wives and children when their work would be over. Hierarchy was very important in the prison regime. According the Foucault (1977:181) '… it marks the gaps, hierarchizes qualities, skills and aptitudes; but it also punishes and rewards.'

Leading such a life and sometimes coming from the same social class as the prisoners could lead to corruption. This would have been felt even more in Malta where, due to the small population –'everyone knowing everyone' a warder could easily find his neighbour in prison. Corruption would take the form of taking letters from the prison to the prisoner's relatives, smuggling tobacco or food. Not all warders were corrupt or made prisoners' lives worse by their actions. Some were decent men trying to make a living with the resources they had.

Prisons were designed to run with the minimum of staff. The aim of having prisoners under the solitary system enabled the prison to function with few warders. The rules and regulations coupled with the separate system ensured that the warders did not need to take any decisions or initiatives. Theoretically, decisions were usually reserved for the governor and the Chaplain (Rawlings, 1999:86), but the prison in Malta was not run completely under this system or as smoothly. The separate system was not adhered to mainly due to the variations in the length of prison sentences and the different types of prisoners.

The inspector of prisons concluded his first annual report on a very positive note:

> I may therefore confidently predict that at the close of the current year, the Island will pay less for a Prison, effective to reform and deter, than it did for one which was effective alone still further to demoralize the young criminal and therefore encourage crime.
>
> (NAM, CCP/Inspector's Annual Report 1850:7).

Twenty years later the aims of the prison as a place for reform had failed. This was partially due to the fact that the prison aimed to reform the hardened criminal when in reality most prisoners were condemned to less than a month. The new science of reform was difficult to operationalise. Perhaps more importantly, the system was also modified and justified by governors who in all probability did not believe in reforming the offender but in keeping them under control. Reality showed that the repeated recidivist and the dangerous criminal did not fill Victorian prisons. Prisoners were mostly petty first time offenders. The prison failed in what it set up to do. Total silence was impossible, the smell of the prison was often offensive, the buildings were cold and separation was not complete. Prison life was so full of rules and regulations that the aim of imprisonment to deter and reform was lost. Control and discipline became central, possibly ends in themselves not means to an end. The prison became a hated place where some prison governors, usually military men, tried to detect even the pettiest of infractions so that the prisoner could be punished. These men were more likely to punish than to morally reform prisoners.

The prison was a place where punishment took place away from society. People did not know what was actually happening in prison. They had to rely on the press and on what filtered out of the prison to have an idea about prison life. It was only on those rare occasions when the courts, a political or an administrative figure deemed fit where the public made aware of the situation in prison. As time passed there is a gradual decrease in the secrecy of prisons and openness and transparency becomes a lever for reform. More professionals and volunteers were admitted in prison. Some prisons became open prisons, with easier access. There was more classification of inmates and the employment of more professionals to assist prisoners. The prison policy switched from deterrence and utilitarianism to rehabilitation and just deserts. Some aspects of prison life which were infringing on the prisoner's human dignity were modified or eliminated. These included the ridiculous uniforms, the prison diet, the eating arrangements and personal hygiene and appearance. Prison authority also had to undergo a change from absolute power to dialogue and power (Pratt, 2000:426).

The rate of imprisonment is also determined by the tolerance in society and by the political regime. Foucault wrote that it was the emergence of discipline which ultimately made it possible for the emergence of democracy and freedom. As Hobbes wrote, without the existence of discipline, liberty could not take place, as freedom cannot exist without prior subjugation i.e. discipline cannot exist without freedom and freedom cannot exist without discipline (Garland, 1991:147). A society that develops a 'culture of tolerance' would use imprisonment less. Therefore countries such as the Netherlands and Scandinavia have low prison rates. Both countries

developed this tolerance, resulting in a strong welfare state, differently. In Holland these values emerged from a long history of racial and religious pluralism, in a crowded social milieu, while the Scandinavian countries developed a strong welfare state because the countries have a large geographic area sparsely populated. Although different social situations prevailed, both countries have developed a strong welfare state (Pratt, 2000:428) resulting in low prison rates. The political regime is also important. A totalitarian regime utilises punishment as a spectacle. The show is more important than any 'care' shown to the offender (Pratt, 2000:428). Political narrowness is associated with penal narrowness and disciplinary prison regimes.

The findings of this chapter continue to emphasise that the prison regime in Malta was more lenient than that found in England. The silent system adopted from English prisons was not taken to the extreme. One sees that some form of communication was allowed. This was probably due to the various lengths of prison sentences. The dietary allowances seem to have been less severe than that found in the United Kingdom as well as having more variety. In all probability the food was tastier too. The type of work for hard labour was not always comparable to that of English prisons. The only form of comparable hard labour was the capstan and even this was sometimes broken. Prisoners performed all sort of jobs which were under the heading of hard labour but which would not have made such a classification in the United Kingdom. Considering the overall regime the leniency in treatment can be seen in three important areas – communication, food and work. The English influence was certainly evident, especially in relation to the overall prison regime. But it is equally clear that there was a specific Maltese character to incarceration – formally similar but sufficiently different, less brutal and more accommodating. This supports the second hypothesis that prison practice moved from being austere to a softer mode of punishment.

Most of the changes were brought about because there was a change in thinking. The prison regime found after 1850 was completely different from that found previously. The prison regime was aimed at reforming prisoners. The prison routine was constructed scientifically. No communication, the classification of prisoners and the rising bureaucracy contributed to the development of the modern prison. The system was saturated with regulations – the treatment of prisoners, the actions of warders, the transfer of prisoners and so on. In this new system nothing was left to chance. The prison was run under a strict hierarchical regime and both prisoners and workers were subject to a multitude of regulations. This reflects the beginning of the role of the expert in criminal justice (Vanstone, 2001). These were necessary as the new prison was to be run under a scientific method that would result in a change in the prisoners. Everything was timed or monitored – even the dietary was constructed in a manner that shows that it was carefully thought about and scientifically constructed. The system was based on rewards and punishment. Prisoners were treated according to the way they behaved in prison. This was necessary because the system was geared at transforming the prisoners into law-abiding citizens therefore if the prisoners were not making acceptable progress they had to be encouraged to change. The Chaplain was also part

of this system. He was to aid in the transformation of prisoners by talking to them. Should this fail more direct means would be used.

Deterrence through fear of solitary confinement was part of this system, although the Superintendent wanted to add whipping and the cat-of-nine as additional deterrents. The threat of punishment would strike terror in the hearts of inmates, and this would generate the required institutional conformity. There was concern that physical punishment would be interpreted as barbaric. The physical punishments of the stock or the gag were only used in extreme cases, whilst the psychological punishments of solitary confinement or punishment diet were rather more favoured. Psychological punishment looked more civilised and this would have protected people's sensibilities. Society's change in sensibilities resulted in prisoners being allowed certain privileges, in a bettering of the condition of imprisonment and in an emphasis on hygiene. People's sensibilities played a role in developing a prison that was neither harsh nor lenient. Mechanical discipline was tempered with sensibility. Concern for sensibilities gives support to the first hypothesis – the prison regulations moved from deterrence and retribution to the punishment of the soul and rehabilitation.

The prison regime was committed to discipline. The regime was regulated by a strict timetable. Everything had its starting and ending time. Even when friends or relatives went to visit the prison they were treated according to very strict regulations. Once inside the prison they became part of the machine that transformed prisoners from unruly individuals to law-abiding citizens. Uniforms, both that of prisoners and those worn by the warders, continued to reinforce discipline and add to the ritual of removing individuality. All those who came into contact with the prison, prisoners, warders, visitors, and outside agencies, were disciplined accordingly. To bring about discipline power was used – the power of the mind over the body, or the move from physical punishment to psychological punishment.

The last aspect in the theoretical framework is the changing needs of the state. Prisons, together with hospitals and the army contributed to the control of the lower classes. According to the Marxist perspective, prisons are used much more when there is an over supply of the labour market. Prisons are also used as training ground for the labour force. The ritual of the prison prepared workers for the labour market. Work not profit was the fulcrum of the new regime. Through work prisoners would be reformed so that when they went back to society they would find a job. This was rather naïve because most prisoners in Malta were employed prior to incarceration, and their sentence was too short to teach them a trade. It is more likely that the prisoners were used to supply other institutions. However the prison was dominated by middle-class principles. The officers, as did the reformers, all came from middle or upper class backgrounds. They invariably tried to push their norms on the lower classes. Special visitors would also enter the prison as if to watch an experiment taking place. Especially in the first years of its inception the authorities were

very pleased with this new machine that was about to solve the crime problem through teaching proper behaviour to the lower classes.

The last two chapters have detailed prison life 1850-1870. The following chapter will depict important developments occurring in the Maltese prison history from 1931 to 1951. This era was dominated by the prison regulations of 1931, a revised addition of the previous regulations, and the Second World War. The following two chapters follow a parallel structure comparable with this and the previous chapter. The same rules will be used as much as possible, but one should consider that the last two chapters build heavily on the previous chapters, with certain repetitive details not being given.

Chapter 6: Prison and prisoners 1931 - 1951

By 1930 there was a perceived need to moderate the Malta prison regulations of 1850, possibly reflecting change in England where penal policy was modernised to include borstals for the young and a treatment regime for adult offenders. The Du Cane era of strictness, solitary confinement and hard labour, where most prisoners were considered beyond redemption, gave way to a more temperate regime of reformation (Forsythe, 1991:22-27). The so-called Ruggles-Brise emphasis on a more humane prison where strictness was tempered with treatment. In this era the influence of psychologists and sociologists began to be felt. Vanstone (2001:127) maintains that the 1930s was the era when casework was consolidated in the English probation services. He writes that this was mainly due to the influence of outside experts and the influence of the medical model. The former gave a rationale to the practice whilst the latter defined crime as an illness to make treatment possible. What was happening in one area of the criminal justice system was happening also in others. Ruggles-Brise still maintained a strong classical idea of freedom of choice in individuals to break the law. He admitted to certain factors influencing a person to commit crime but he was primarily convinced that at the end it was the person who chose to commit an act. Reformatory theory was incorporated in prison but not to the extent that treatment took the place of punishment. Ruggles-Brise (1921) described the new system as:

> …keen activity, admirable order and precision of the parade ground, the swing and go of the gymnasium, the busy hive of industry… the glow and keenness of the youngsters in the football or cricket field….a wonderful metamorphosis [from] slow stubborn impenetrable … material to alert, dutiful, energetic and loyal citizens.
>
> (Forsythe, 1991:33)

The 20th century was witnessing a transformation of penal thinking with corresponding changes in prison practice. The situation in the United States was very different to the one found in England. The 1930s were the era of the 'big house' with enormous prisons housing up to 4,000 prisoners being built. In this situation other prisoners controlled most prisoners with the staff having to tread carefully while doing their job. These prisons were described by 'the national commission of law observance and enforcement' (1931) as 'penal institutions, with their treadmill and mechanical quality of existence [doing] little to prepare [inmates] for the resumption of law abiding social life (Rotman, 1998:165).

In the following two chapters the researcher analyses the Maltese prison system during 1931, when the new regulations were enacted, and then on the 10th and 20th year from their inception i.e. 1941 and 1951. The prison regulations were taken as the starting point of the research. As for the earlier years these were analysed through annual reports and official correspondence as well as the documentation found in the prison archive. This era is still covered by the 'eighty year rule', whereby any archival material citing personal names and information are closed to the public for 80 years from their production, the researcher could only mention persons

whose names are found in public documents. Other personal information could not be given. This would in no way impact the quality of the research as the researcher had access to all the documents produced during this time. The only factor would be that no persons, on whom information was not already public, could be identifiable to protect them or their families from unwarranted gossip. In this chapter the researcher will focus on the changes in the prison building and analyse the prisoners' profile and their treatment. Although this and the next chapter roughly follow the pattern set out in the previous two chapters certain modifications are necessary. The theoretical framework and the hypothesis are also applied to the data categories in this chapter. When the research was started the researcher, although conscious that in the analysis would cover the Second World War thought that with the exception of the usual problems of security and safety the prison would not have been the focus of any debate. This turned out to be false. These were interesting Second World War findings.

Prison Estate

In 1931 Corradino had 264 separate cells and eight criminal wards. In the criminal ward there was 1,120 cubic feet for each prisoner in 78 cells and 1,260 cubic feet in 186 cells. The area of each cell was 103 square feet (NAM, Blue Book, 1931). These figures indicate that not all prisoners were kept in separate confinement, with certain classes, (probably those kept under detention for default of payment) being kept more than one to a cell. There were no structural changes in the building during this era. The changes that occurred were mainly the result of a change in punishment ideology from the initial period, making this section more argumentative than descriptive when compared with the equivalent section in chapter four. Modification to beds, furniture and windows (to increase light) reflect the change in thinking from the penitentiary to the reformatory in support of the first hypothesis. The Pentonville style building stood the test of time and no need was felt to change it, although Foucault's (1977:201) idea of using the continual observation of the panopticon as a means of observation, by which prisoners would not know when they were observed during the whole time they were in the cell, had fallen into disuse. Although the regime and the mode of treatment of prisoners did change these changes were not considered worth the expense of building a new prison or the trouble of finding a new site. As has been discussed in chapter four, prisons were designed with an administrative purpose in mind, rather than to strike terror in the hearts of the beholders. The designers of the new prisons kept in mind efficiency and administrative procedures. It was only by accident that people started equating the Victorian prison with 'terror, obscurity, vastness and silence' (Garland, 1991:259).

Although greater emphasis was being given to rehabilitation and the separate system had largely fallen into disuse, the Corradino building was still adequate in its function as a prison; and any incidental disagreeable feelings evoked by the prison building would also serve as a useful additional deterrent. According to Foucault (1977:205) prisons have to be analysed in relation to

power i.e. the power of certain individuals on others, as portrayed through discipline. He sees power as being portrayed on a continuum. At one extreme there is the power constituted through a prison that is completely closed off from society where prisoners were not allowed to communicate with others and where time stood still. In this type of prison the main emphasis was to stop evil. At the other extreme there is a prison that occupied the whole time of the prisoners, where everything was mechanised and prisoners moved from one job to another, the main emphasis in this type of prison was discipline (Foucault, 1977:209). The prison in Malta, during the era under study stood somewhere between. It retained the old building but the prisoners were not left to work in solitary confinement. On the other hand most of their time was occupied but not to the excess that they had to perform all the time under a strict time regime thereby supporting the second hypothesis of this study – that prison practice became softer on punishment.

Prior to 1951 the prison needed extensive repairs due to being hit by enemy action during the war years. By 1948 all major repairs had been done, including the rebuilding of the Director's and the chief officer's residence. During 1949-1950 a separate entrance for the juvenile wing was constructed, the bathrooms and barber's shop were modernised and a schoolroom for young prisoners was built (NAM, CCP/Annual Report, 1947-1948:5). The rehabilitation of young prisoners had started in the United Kingdom through the borstals in 1908 (McConville, 1998:142). It was only after the Second World War that this happened in Malta. Again one finds the influence of the change in thinking, although at a later stage than happened in England, on the prison. This could be explained through the fact that the new Director and the new Medical Officers had both been sent to study the prison systems in the UK (PRO, ADM, 178/355). It is probable that they saw the borstal and its effects on the prison, which led to the birth of the open prison and the introduction of a welfare system in the prisons (McConville, 1988:144).

Although the name of the borstal was not used the principles adopted by the new Director were those of the borstal. In the annual report (1951) the Director maintained that the prison could accommodate 200 male prisoners in four main divisions. There were also another two separate divisions, one for women that could take 22 prisoners and one for young offenders which could take 38 offenders. Debtors were also kept separately. Another wing had been constructed for those prisoners who needed to be controlled and disciplined while two cells next to the infirmary had been constructed to keep lepers (NAM, CCP/Annual Report, 1951:3). By the end of the 19th century the effects of bacteria on sanitation and human health were discovered. By mid 20th century the medical community had also isolated and started studying a number of viruses with the isolation of penicillin in 1940 probably standing out as the most remarkable discovery of the time (Margotta, 1968:282). In 1908 the fourth sanitary ordinance was enacted in Malta. This ordinance was not much different than its English counterpart. It regulated the spreading of infectious disease by enforcing the notification of infectious diseases, the isolation of patients suffering from certain illnesses, the disinfecting of premises and the exclusion of persons suffering from certain maladies

from certain jobs (Cassar, 1964:283). Isolation cells for persons with contagious diseases had only been constructed in the 1950s in Corradino prison. This could indicate that the prisoners were not being seen as a priority by society or point to apathy on the part of the previous Directors and doctors. People's sensibilities were seemingly not overly concerned with the welfare of prisoners. This has to be understood in the light of two world wars. It seems that society was more concerned about its own general welfare. Durkheim (1893:97) would have interpreted this as the effect of social solidarity i.e. prisons help to define which members of society belong to the law abiding members and which do not. Society concerns itself more with the law abiding citizens therefore in moments of crisis it is more likely to devote scarce resources to them.

The 1951 Director, set out to make the prison a much better place than it had been when he took command. Three of the seven yards had been cemented while the other four were to be cemented in the near future. A hall was also being converted into an entertainment hall. By 1951 each cell had its own electricity and iron beds were gradually substituting hammocks. The windows of the lower divisions were being widened and it was hoped that there would be enough money to widen the remaining windows (NAM, CCP/Annual Report, 1951:4). Such innovations came almost twenty years later in Malta when compared to English prisons. Although there is no direct casual or mechanical link between policy development in England and Malta, it is interesting to note that changes in the latter post-date the former by around twenty years. For example the major reform of the Malta police force of the 1st January 1850, (Attard, 1994:31) following the Metropolitan Police Act of 1829 (Rawlings, 2002: 117). Women gained the right for equal pay for equal work only by 1974 although the new constitution of Malta granted this right in 1964, while this policy came into effect in 1955 in the UK (Camilleri, 1997:23-24).

Spierenburg (1984:191) explained how changes in society reflect changes in crime and punishment due to changes in society's sensibilities. The more people became sensitive to gruesome punishment the more punishment moved from the public to the private domain. Another consequence was the modification of punishment from physical cruelty such, as the pillory, to the psychological punishment of solitary confinement. Although the lash continued to exist it was not used and capital punishment had not been used since 1943. The courts punished street fights and other violent conduct, but were now imposing very short sentences. With this change there is the gradual hiding of the offender from the public. Prisoners were not shown, they were kept behind closed doors and punishment became a private domain. Although punishment still existed, it took place in seclusion in order not to taint society's sensibilities. The offender remained at or beyond the margin of society (Garland, 1991:235).

Changes in people's feelings might also have influenced the Director in making the prison a better place for the prisoners. On the 4th December 1951 the Director asked the principal Medical Officer for a report to upgrade the prison infirmary. He wanted the male infirmary to be as good as

the female one. This is ironic as according to the principal Medical Officer the female infirmary was used only once in five years yet it continued to be fixed with the best equipment. The Medical Officer recommended the modernization of the infirmary including the introduction of floors and the bathroom tiles, a sink for washing utensils and the introduction of a hot and cold water system. The changing role of the Medical Officer was a factor that influenced change in prisoners' medical treatment. This point will be further explored in the next chapter. For the improvement of the prison cells the Medical Officer recommended that light should be improved in all cells, especially those that were most dark. He also recommended that the upper cells be checked more often as they were usually difficult to access and therefore prisoners in these cells were mostly left to their own devises. The Director ordered that the recommendations of the Medical Officer should be carried out (NAM, CCP/Medical Journal, 1948-1953).

The prison building during this time continued to function as it had in the previous era. The emphasis was still on discipline it was now tempered by the humanism of the 20th century. Prison reform was evidenced at the architectural level by bigger windows for better natural light, more lighting in the cells, the building of isolation cells for persons suffering from contagious diseases, the cementing of the yards and the building of an entertainment hall. The substantive improvement reflects ideological change – a re-conceptualisation of prison as penitentiary to prison as the locus of reform and rehabilitation. This supports the first hypothesis. Additionally, as prisons became increasingly closed to the public, the public had to rely on information given to them by journalists or ex-prisoners to know what was happening in prison. This lack of information could have enabled the prison authorities to deal with prisoners in a more humane manner in support of the second hypothesis. Surely with the passage of time society became less sanguine and frowned on punishment that seemed unnecessarily cruel. Conversely, prisoners had to face a harsh enough environment to discourage them from entering the prison again. This led to changes in the building because eighty years had passed from its inception. Any changes had to be carried out with circumspection so as not to arouse the anger of society. The changes in thinking had to take into consideration people's sensibilities but at the same time discipline had to be given its due. It would have been unacceptable to society to have a prison, which they interpreted as encouraging prisoners to commit crime because of the comfort found in prison. During the period under study the Second World War took place and the prison was used for the purpose of internment.

War Years

On the 3rd February 1941 the juvenile and young offenders' wing was taken over by the local authorities to be used as a branch of the internment camp. Young offenders were being placed in the remand division, taking their exercise in a separate yard (NAM, CSG/01-97/1941; NAM, CCP, 10/27). The taking over of the juvenile wing as part of the internment camp was not

the only problem facing the prison during the war. There was also the vexatious question of whether the prison required an air-raid shelter. At the beginning of the war the building of an underground shelter was not seen as necessary, but during 1941 when Malta was being severely attacked by the Axis powers both the Director and the Visitors started making pressure on the government for the construction of a shelter. The digging of the shelter was a slow and tortuous process. Compressors and fuses to blast the rock were never found, or more likely they were used for other purposes. In one of his minutes the Director stated: 'when I asked the Engineer why no blasting was being effected in the prison he informed me that he was reserving the fuses for more important things'. In minute 13 of the file the Director of public works tells the secretary general that he has been instructed not to send compressors for the work at Corradino. The shelter was finally ready a year later (NAM, CSG/01-435/1941).

Society's reaction to prisoners is never positive. The 'war years' and internment offers a strong example. Crimes and punishments define right and wrong in society, categorising humans as good and bad people. It stigmatises certain acts thereby organising society into those who form the good community and those who have to be avoided or punished to be brought back into society (Shearing and Stenning, 1998:416). If crimes and not persons were condemned than there would be no discrimination, due to race, class, and so on, in the treatment of people who had committed crime (Becker, 1963; Morris, 1998; Garland, 2001). This attitude is exemplified during the treatment of prisoners during the Second World War in Malta when prisoners seemed to be expendable. The courts had found these people guilty of violating the norms of society, during a time when society deemed that everyone should be united against the common enemy probably justifying in the minds of many why the shelter for prisoners was not top priority.

The worst war years for Malta were between 1940 and 1942. The problem between having an Imperial Malta or an Italian Malta was never so important politically than during the years preceding the war. For Enrico Mizzi, the head of the Nationalist Party there was no clash between loyalty to the Crown and the link with Italy. He saw Malta as firmly placed with Italy on culture, religion and language – a way to keep the Maltese identity alive. At the same time he saw Malta as remaining loyal to the British Empire. Mizzi saw Malta as being able to act as a go-between to solve the political problems that existed between England and Italy. The Constitutional party, their political enemies, used this to bring about trouble for the Nationalist Party. They went to London and spoke about a party who had the intention of giving Malta to Italy. They maintained that Italy was trying to steal Malta by claiming that Malta was Italian by race and language. Prior to Italy entering the war Mussolini had 'more than once referred to Italy as the mother of Malta (Bondin: 1980:24). In the meantime German propaganda tried to sow unrest by claiming that the Maltese were in revolt and that many people were being arrested. The fear of an Italian invasion in Malta and the Constitutional Party lobbying for the internment of members of the Nationalist Party,

prompted the British to intern 80 Maltese nationals[12] and to later deport some of them to Uganda (Bondin, 1980). The Second World War started for Malta when Italy declared war in June 1940 (Richards, 1982:324). During this period Malta was severely hit by enemy action and the population was soon starving because no food could be brought from overseas, and Malta did not have naturally protected and fertile places where to grow crops. In the aftermath of war 5,524 private homes were destroyed, 5,077 were severely damaged and needed to be pulled down, while 19,073 needed repairing (Cassar, 1988:118). This means that 29,674 dwellings were in need of some or total repairs. Considering that in each household an average of four persons lived this would mean that more that 100,000 or about one-third of the homes of the Maltese inhabitants needed some form of repair by the end of the war. The food situation slowly worsened until by mid-1942 all Malta's wheat had finished. The Axis planes heavily bombarded Malta during that time. Bishop Gonzi, convinced the Gozitan[13] farmers to send their stores of wheat to Malta. Although this temporarily solved the problem the situation came to a head and Viscount Gort, the Governor of Malta, was afraid that the civil population was about to rebel. The situation was saved when the Santa Maria convoy entered the Grand Harbour, saving the islands from starvation (Ganado, 1974:438). Considering the situation it is no surprise that prisoners and prisons were not seen as a priority. In the best of circumstances society always views prisoners, or the lawbreaker, as a moral breaker to be corrected (Garland, 1990:61). It is therefore logical to suppose that the first people that society would want to save belong to the law abiding population, and if there are resources left these could be given to prisoners. Imprisonment in Malta during the war had parallels with contemporary incarceration in the USA, where prison is used as an isolation zone where 'dangerous' individuals are kept away from law-abiding citizens (Garland, 2001:178).

The official documents show that even internees were treated better than normal prisoners. For a short period of time internees and prisoners were housed in the same prison. This led to outrage from the point of view of internees who viewed themselves as innocent people imprisoned on the whim of the governing officials. In the first instance they were housed in the old fort of San Salvator, in the three cities. As this area was heavily bombarded and the fort was a direct hit on one occasion they were later transferred to Corradino (Bondin, 1980:42), but placed in the juvenile wing. The internees protested about this transfer for three primary reasons: they were not prisoners, at most they had to be treated as prisoners of war, conditions were overcrowded, Paola was in close proximity to a military objective and there was no war shelter within the prison. When they protested the governor gave them a choice – to remain at Corradino or to go back to the fort. In reality this was no choice at all. The excuse was that all other places were occupied. Dr Herbert Ganado, one of the internees, knew of a convent outside Rabat where the abbot would

[12] The internment of Sir Arturo Mercieca, his wife and daughter are not considered in this analysis, as they were never kept with the other internees.

[13] Gozo is the second largest island of the Maltese archipelago, with Malta being the largest. Although about 80 people during the war inhabited Comino they could not assist Malta. The other two islands were and are uninhabited.

probably accept them. At first he was going to smuggle a letter to Monsignor Albert Pantalleresco, but later he decided to entrust the letter with Major Orlino Briffa de Piro a friend of his, prior to the war, and who now had been sent by the Governor to mediate with the internees. He delivered the letter and both the abbot and the archbishop agreed to this transfer. This was not without opposition, as Lord Strickland wanted the site for St. Edward's college. Lord Strickland did find a method of revenge by interning Monsignor Pantalleresco with the excuse that he had the interest of the internees too much at heart (Ganado 1977:253-255). The internees wrote about their experience during the period they stayed in Corradino. They wrote about the Board of Visitors, about the food and about their contact with prisoners. Although they were not prisoners themselves their plight was similar. Their experience can throw light on the general experience of imprisonment in 1941, the internees were not average prisoners; they exercised power and influence. Although they were considered enemies of the state they were (periodically) treated better than criminal prisoners. Vold and Bernard (1986:287) would have justified this difference in treatment because of the social standing of the internees. The greater the political and economic power, the harder it is for law enforcement agencies to punish illicit behaviour. Although both internees and common prisoners were deemed to pose some threat to social order, the standing and status of the former appears to have afforded them preferential (or certainly no harsher) treatment than that received by the more traditional felon detainees.

Not all internees were powerful or had high social standing but a cursory look at the work done by internees prior to internment shows that most of them held high status jobs (see Table 6.1). Six internees were lawyers, out of which one finds an ex-prime minister. Another six were journalists or editors of pro-Italian journals. Twelve were merchants and the others held various professions such as an ex-captain of the British navy, teachers, engineers, pharmacists, accountants and university students. Thirty-six of those interned held jobs with the royal naval arsenal varying from mechanics to accountants and engineers. Half of the internees held a professional job and some of those working with the royal arsenal also held jobs such as accountants or heads of departments. One can note a parallel between the treatment of the internees and Micciarelli, ninety years previously. While both prisoners and internees were considered undesirable by society and therefore put in social quarantine (Durkheim, 1893:104) they were not treated similarly due to their social standing (Rusche and Kirchheimer, 1939:176). One would suppose that the enemies of the state during a war would be considered much more dangerous than prisoners, most of whom had committed some petty crime. This paradox in treatment can only be explained by the social standing of most of the internees. The Maltese reaction was mainly based on a political move with the Constitutional Party trying to overcome the Nationalist Party and surely not all Italian sympathisers were interned as this would have amounted to much more than eighty people. In America there was a completely different response to the same type of problem. In 1942 all German, Italian and Japanese descendants had to hand in their short-wave radios, cameras and firearms. Those living on the East Coast also had to observe a curfew (Duncan, 2002:1). There

was also the internment of people suspected to be collaborating with the enemy, but in 1943 the evacuation of all people with Japanese ancestors also took place; and some of these people had been in America for over 20 years (sfmuseum.org, 2002:2). One can note the difference in treatment between Maltese and American internees. Here again this difference was probably due to social class and the size of the country. In Malta most people know each other or have some form of connection with each other. This would explain the privileged treatment that the Maltese internees received confirming the Marxist view that the powerful groups in society protect their own. Although one political party wanted to rule over the other they were aware that after some years it would have been the turn of the other party to rule. In this dance of power, the powerful protect their power from other groups trying to share in this power (Marx and Engels, 1848:240).

Table 6.1: Professions of internees

Job held prior to internment	Number of internees
Royal naval arsenal	36
Merchants	13
Journalists/Editors	6
Lawyers/ex-parliamentarians	6
Teachers	2
Engineers	2
University Students	2
Employed	2
Other professionals	7
Unknown	4
Total	**80**

Source: Constructed from Bondin, 1980:115-121

Internees sometimes ended up in prison. Four internees were committed to the prison according to the Director's journal. One of the offenders was given seven days detention by orders of the commandant of the internment camp, another (a female) was sentenced to three years hard labour by the courts, another prisoner was handed over by a police inspector and another for attempted murder. While awaiting trial he committed another offence and was sentenced to one month detention (NAM, CCP/10/27). While internees were given preferential treatment as long as they were prisoners of the state, this stopped when they committed a crime. Not even their privileged status could protect them from punishment. This supports Durkheim's (1893:104) view that one of the functions of the law and punishment is to separate those who obey the social norms from those who disobey them. Although the internees were given preferential treatment, probably because they were not really considered to be lawbreakers, once they broke the law they had to forgo their privileges. These finding disagree with the Marxist perspective as they show that when a high status internees committed a crime they were treated as any other citizen.

The year 1941 was particularly problematic for the Corradino prison. With internees being housed in the premises and the war, problems would naturally increase. When the internees were transferred to Rabat the juvenile wing at Corradino was still being used as a place where problematic internees were kept. There were two types of internees sent to Corradino. The first were those that were condemned on a specific charge and found guilty in a court of law. These internees were treated like other prisoners. The second group were refractory internees who were sent to the Corradino juvenile wing for correction (NAM, CSG/01-3302/1941). The Director of prisons objected to the use of a whole wing for the internees, especially as the prison was overcrowded. To partially solve the problem, it was proposed that prisoners should be sent to the Gozo prison. This was impossible as the Gozo prison had been taken over by the military and prisoners awarded less than 15 days imprisonment were being housed in the police stations (NAM, CSG/01-1330/1941, NAM, CSG/01-3302/1941). The letter containing this proposition was vague in that it was not clear whether the governor meant that prisoners or refractory internees should be transferred. The commandant of the internment camp strongly objected to this proposal, thinking that it was meant for the internees. He objected on the grounds that the distance would cause more problems and hardship for the internees. The Director of prisons objected on the grounds that in order to house prisoners in Gozo prison staff would have to be transferred as well. They would also have to open a kitchen. He proposed that the juvenile wing should be returned to him as it was only housing three internees. The situation was improved with the opening of the reformatory and the transfer of 32 juveniles (NAM, CSG/01-3302/1941). From this letter one concludes that the internees always remained more important than the prisoners or that they had to be treated apparently better than the prisoners although, both Ganado (1977) and Gauci (1996) write about the poor conditions they were kept in and the meagre food they were given. The weight of evidence points to differential treatment for internees and prisoners. Apparently the state did not mind causing inconvenience to the relatives of the prisoners but it wanted to spare problems to relatives of internees. The only different variable, although somewhat discounted, seems to be, that of the internees' social status, confirming the previous arguments that the social status of prisoners influences punishment (Rusche and Kirchheimer, 1939:5).

There was a particular prisoner and internee who was problematic to the authorities. Ganado (1977:288) in his memoirs wrote that his trouble making was equivalent to all those of the internment camp. He had attempted to commit murder as an internee and was transferred to the main prison. He requested that he should be treated in the same manner as all other prisoners awaiting trial but his request was refused both because of security reasons and because as a prisoner awaiting trial he would have had more privileges than an internee would. This would have been seen as receiving a reward for a crime (NAM, CSG/01-2200/1941). It is interesting to note that on paper, persons awaiting trail had more privileges than internees did. Although those awaiting trial were still to be proven guilty one would suppose that the police had proof enough to hope for a conviction in a court of law while internees had not even, nor would they, be brought in

front of the court. One would suppose that they should have been awarded more privileges, but as they were seen as enemies of the state they were treated worse than prisoners, the crucially important point being that they should be dealt with more harshly than the formally innocent prisoners on remand. The reality was different. Perhaps social class and standing in some way compensated for perceived threat and supposed dangerousness. Internees had better food, although some of it was smuggled, and a less strict regime. Vold and Bernard (1998:287) would state that while the state had to give the impression that internees were treated harshly in order to avoid having the unpowerful groups in society rebel against those in authority, the powerful continued to protect their own by secretly treating internees better than prisoners.

When the Director handed over the keys of the juvenile wing to the commandant of the internment camp, Ganado (1977:250) interpreted this as meaning that as there was no committal documents therefore they were being kept in prison illegally both because they had not been tried in a court of law and because the warrant of their internment never mentioned Corradino Prison. It is true that Captain Agius was a rule follower as will be discussed later on, but could his reluctance be due to the fact that he was pro-Italian and that most internees were his friends? This would partially explain why the Director of works was very reluctant to repair his lodging and why he took every opportunity to make life difficult for the establishments. In a secret complaint letter to the authorities Captain Strologo, who had been imprisoned in Malta during the war, wrote to the governor on the poor state of the prison. On the investigation of the complaints, some of which were founded, the conclusion reached was that most problems could be solved by more discipline from the Director, but the investigator also wrote that the Director 'is apt to take a negative attitude to all his problems'. This attitude might also have resulted in the way the Director saw things. On the other hand the governor decided to give him more support and opportunities to discuss the prison problems (PRO, ADM 178/355B). Probably the trouble was a mixture of circumstances coupled with a problematic character.

Prisoners had a right to petition, but they could only do so after three months when the sentence was less than two years or six months when the sentence was more than two years. Prisoners were not allowed to petition a second time before they received an answer to their first petition and in any case not before six months had passed from the previous petition. If a prisoner was seen to be abusing this right the Director could prohibit him from further petitioning (Prison Regulations, 1931:Sec.91-95). Fourteen prisoners were pardoned in 1931 (NAM, CSG/01-75/1932, NAM, CCP/10/15), 19 prisoners in 1941 (NAM, CSG/01-97/1941, NAM, CCP/10/27) and 12 in 1951 (NAM, CCP/10/38). A problem that occurred during the war was that English prisoners were complaining that they were being treated differently to the Maltese, both at the point of sentencing and during their stay in prison. Table 6.2 shows that there were 107 requests for pardons in 1941, out of which 86 were refused 13 accepted and seven were sent to the reformatory. In total 86 Maltese requested a pardon, 75 were refused, four were accepted and seven were sent to

the reformatory, as they were juveniles. In comparison 21 English prisoners requested to be pardoned, 11 were refused and nine accepted (NAM, CSG/01-1941).

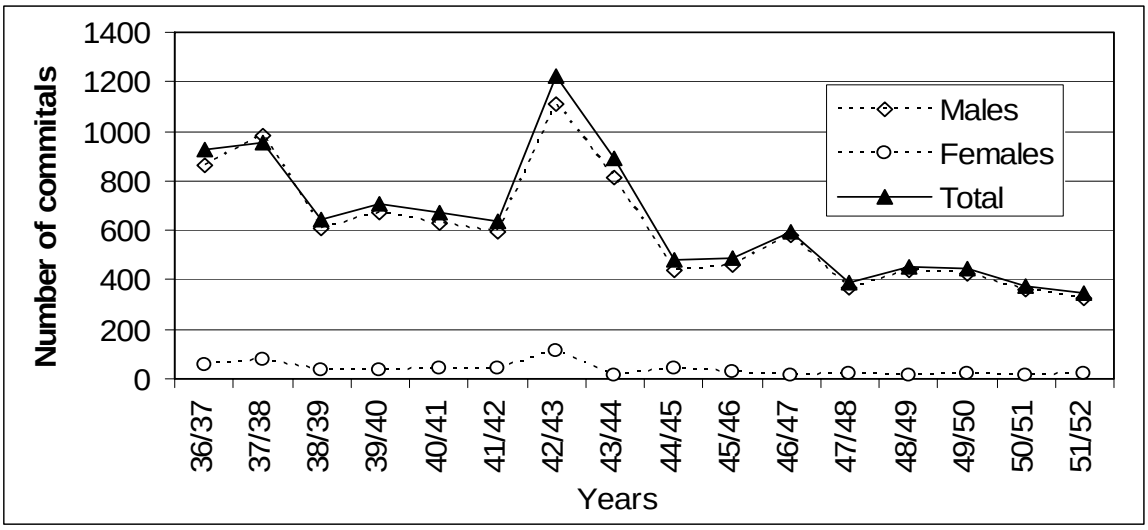
Table 6.2: Requests for pardons in 1941

	Refused	Accepted	Reformatory	Total
Maltese	75	4	7	**86**
English	11	9	-	**21**
Total	86	13	7	**107**

Source: Adapted from NAM, CSG 01-1941

These figures might indicate that there was an obvious bias in issuing pardons but this may be an over-simple explanation. Judges of the Maltese courts were issuing much harsher sentences against English people during this year than the Maltese. For example two Maltese persons were given four-and-a-half-months and five-and-a-half-months imprisonment for assaulting a police officer (NAM, CSG/01-3461/1941). On the other hand three Englishmen for the same offence were awarded one year hard labour for two of the offenders, while the other was given a year-and-a-half of hard labour (NAM, CSG/01-2606/41). The former were refused a pardon while the latter were forgiven three-months and four-months respectively. This might indicate that pardons served to balance prison sentences. Harsher sentences issued to the English might be explained because the judiciary at the time was pro-Italian. The chief justice of the time Sir Arturo Mercieca was interned as soon as Italy declared war on the allies and he was later sent to Uganda (Bondin, 1980). Other members of the judiciary were also interned. In 1943 the governor requested an inquiry about the treatment of servicemen by the Maltese courts and in the Maltese prisons. Although no conclusion is forwarded on the sentences it is suggested that some of the sentences seem 'pretty startling' (PRO, ADM, 178/355B). Hay (1975, cited in Garland, 1991:203) wrote that social status was considered as grounds for preferential treatment. As in the previous era it could mean that the courts were treating the English worse than the Maltese and the English government was correcting

Figure 6.1: Committals between 1936 - 1952



Source: NAM Annual reports from 1936 to 1952

the sentences, or it might just mean that English soldiers were released because they were needed to fight the war. This would be concordant with the needs of the state theory.

The war years witnessed a steep rise in committals to custody (Figure 6.1). This was due to an increase in war crimes such as looting (NAM, CSG/01-97/1941). In 1936-37 there were 923 committals, dropping to 672 in 1940-41 but then rising to 1,200 in 1942-43. Looting and being in possession of Crown property was a serious problem in the war years. People ended in prison for having in their possession a bar of soap, a can of food and so on that belonged to the military. Having foodstuff belonging to the Crown usually earned a person 30 days imprisonment. Most of these cases resulted from an exchange of goods. Soldiers used to supply their Maltese friends with goods. In turn the Maltese would give the soldiers money or other forms of payment in kind ranging from board and lodging as a family member to prostitution. Possession of Crown property was not seen as a crime by the Maltese people. For example a woman was arrested for selling out of her shop, on public display, tins of food belonging to the Crown. The Maltese were more worried about surviving than about the bureaucracy of the militia. In times of crisis society enters into a state of anomie. Runciman (1966:305) maintained that war is one of the most obvious external influences resulting in social change. During war the various social classes come much more in contact with each other and they start feeling their relative deprivation more. This results in the lower classes trying to gain control of goods in order to be as their betters and the rich defending their territories. This would result in more prosecutions and imprisonments in an attempt to control the lower classes and assist the dominance of the (threatened) state.

The increase of prisoners resulted in the Director asking for an increase in the estimates for 1942/1943. An increase of £200 was asked for bedding, an increase of £1,500 for rations and £50 for gratuities. The increase demanded for rations and gratuities was by 100 per cent. The Director also asked for an increase for uniforms (NAM, CSG/01-3443/1941) and for more prison blankets to be given on loan to the department (NAM, CSG/01-3971/1941). The treasurer of Malta for the budget years of 1941 sought to reduce the budget of all departments by 15 per cent. The Director of prison answered that this was not possible; as such a reduction would undermine prisons administration and prison discipline. He also pointed out that the expenses incurred from land cultivation, prison workshops and the bakery were earned back through the profits (NAM, CCP/Treasury Circulars 2/1941). In 1951, the prisons were under the Ministry for Justice with a budget of £2,090 for January. For the same period the police had a budget of £23,000 the Judiciary a budget of £3,460 and the approved school[14] a budget of £1,056 (NAM, CCP/Treasury Circular 1/1951). The budget for 1951 was under-spent by £640, enabling the supply and installation of electric bells for divisions one and four (NAM, CCP/Treasury Circular 16/1951). The prison budget was very low compared with the police budget that was almost twelve times as much. The

[14] The approved school was a residential establishment to which courts committed children judged to need removal from home for a time to receive education and training designed to bring about change in behaviour.

approved school had half the budget of the prison but they also had much fewer children than the prison had prisoners. Probably this is due to the fact that the prison was almost self-sufficient in that it grew its vegetables, made bread, clothing, footwear and mattresses. It only had to spend money on wages, meat and flour. The fact that it sold some of its products also made the prison cheaper to run.

The war years depict the influence of a change in thinking, with the use of the reformatory for young men. It also clearly shows that not everyone was treated the same. This reflects the needs of the state. While internees were imprisoned, because society or the English authorities demanded their internment, they were treated better than prisoners. While on paper this should not have happened, in reality they were accorded privileges that prisoners did not have. A shelter was quickly built for their protection, they had certain food that was not available for other prisoners (or the general population) and they had more contact with society that enabled them to smuggle goods. They also demanded and acquired a different place for their internment at the expense of Lord Strickland who wanted the place to house a school. The internees' influence can only be justified because of their social status. The needs of the state are also felt in the issuing of pardons. With English men being freed to serve in the war and with the high imprison rates in the worst years of the war. The prison was still committed to discipline in this era although it showed a more lenient treatment to the internees, it had to balance this by showing that discipline still reigned supreme otherwise the authorities would have risked a riot. People's sensibilities during the war were not concentrated on the prison as they were more focused on surviving but the upper class sense of indignation can still be felt from the memoirs of the interned. They speak of a soup that was like boiling water, they grumble because of their accommodation, about the role of the Board of Visitors and so on. When one considers that they were treated better than prisoners, this attitude can best be explained if Elias (1939:270) is right in writing that the upper classes are the primary motivators and instigators of changes in sensibilities.

Prison Inmates

The 1931 prison regulations specified that young male prisoners should be kept apart from adult male prisoners and that, women should be kept separately from men. In cases of emergency the Director was authorised to take the necessary decisions and inform the governor or the minister (Prison Regulations, 1931:Sec.2). These regulations were surely broken when the juvenile wing was taken over in 1941.

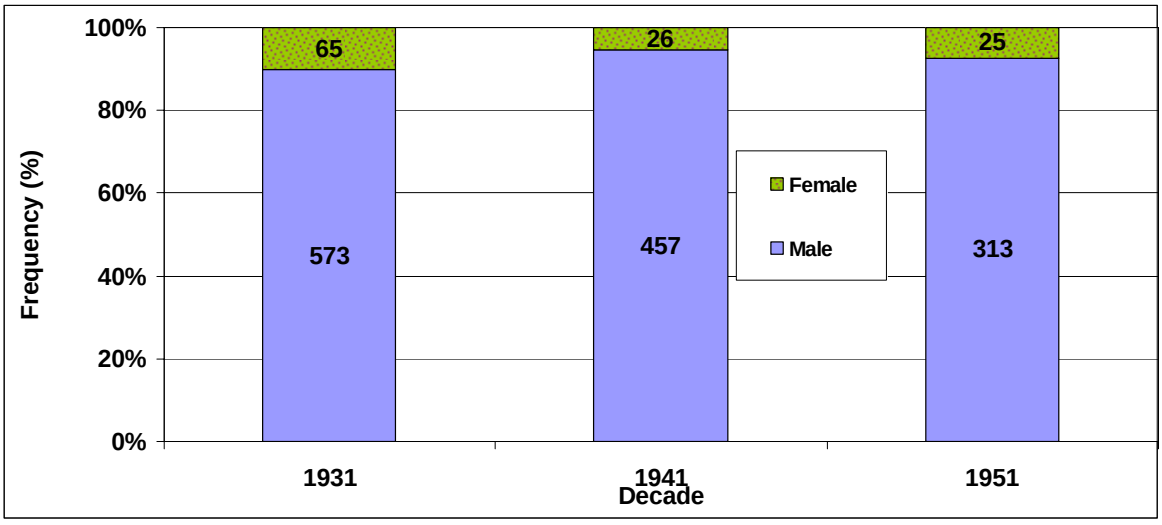
Prisoners were classified and as much as possible housed in different divisions. Division one housed first-time offenders who showed a willingness to change. There were twenty cells in this wing, which were better equipped than the other cells and had larger windows. These prisoners were allowed to eat together and they had other privileges. The other first-time offenders were housed in division two and they would be transferred to division one if they were found to be

suitable after three-months imprisonment, although space requirements could dictate otherwise. Recidivists and other prisoners found to be unsuitable for division two were housed in division three, while refractory prisoners were housed in division seven. Prisoners awaiting trial and under detention due to default in payment where housed in division four. Those awaiting trial would be housed in cells on the ground floor and those under detention were kept on the upper floor. Prisoners under 20 were housed in divisions five and six which were segregated from the main prison, while women prisoners were housed separately. There was no classification for women. The Gozo prison was used to hold prisoners sentenced by the Gozo courts to a term not exceeding 15 days all others being transferred to Corradino (NAM, CCP/Annual Report, 1951:32).

The enduring legacy of the Victorian era for prisons was disciplinary procedures, more bureaucracy and a change in management as well as prison design. Classification was one of the cornerstones of this new thinking about prisons as it was important that the various classes of prisoners did not corrupt each other (Rothman, 1998:170). In these prisons prisoners were not allowed to freely communicate with each other. They were housed in separate cells with the aim that solitude, silence, religious instructions and work would reform the offender (Matthews, 1999:16-17).

Although the disciplinary legacy and its emphasis on classification, gently but firmly inclining towards a more humanistic and reformatory attitude to prisoners, was a marked change from the 19th to the 20th century, the prisoners' profile 1850-70 and 1931-51 was not that different. Indeed, the similarities are striking. This supports the third hypothesis as in the later period, most prisoners were single, and with no children, convicted for less than three months due to default of payment. They were usually condemned for uttering obscene words in public, disturbing the peace while drunk and theft. During the war years there was a slight change in that persons were condemned for theft or for possession of stolen property i.e. looting and being in possession of

Figure 6.2: Gender of inmates in 1931, 1941 and 1951



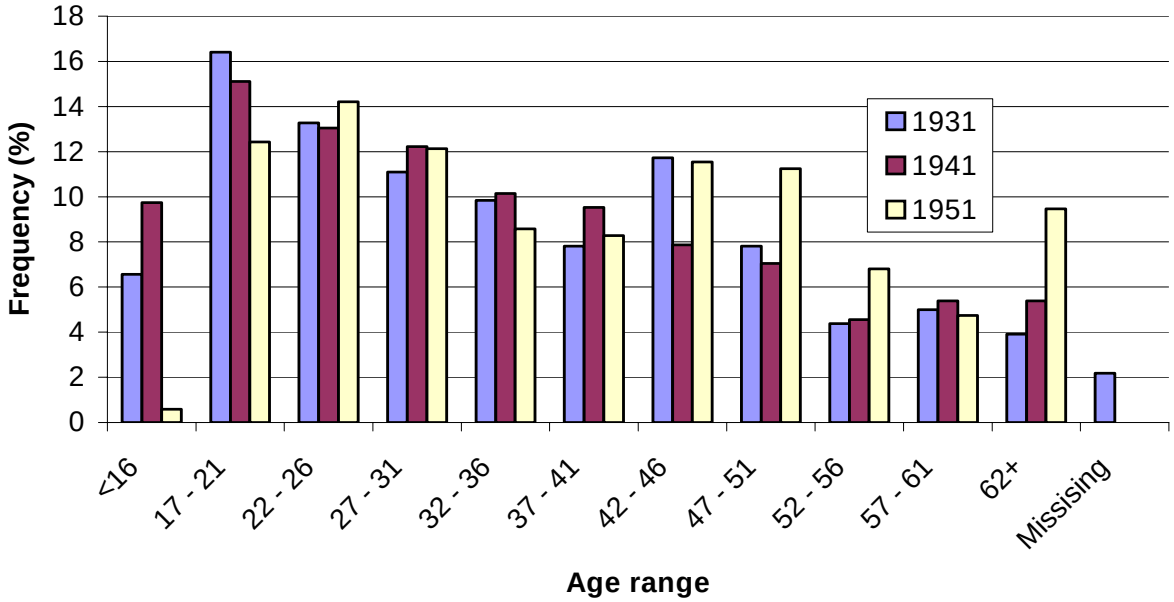
Source**:** NAM, Prison Admission Records 1931, 1941 and 1951

Crown property. Most prisoners were young Maltese males, unskilled and illiterate (NAM, CCP/Prison Admission Records). An admission record book was kept. In this ledger the name, age, height and general particulars were to be kept about each prisoner (Prison Regulations, 1931:Sec 8). This ledger was very important in enabling the researcher to construct the prisoners' profiles. Matthews (1999:89), citing the UK national prison survey of 1991, maintained that most offenders came from manual or unskilled work. Young age, low level of education and recidivism also features among the characteristics of prisoners. Most prisoners came from the inner city areas and only 20 per cent were married.

A more profound analysis of the data from the admissions ledgers will enable the researcher to compare the prisoners' profiles for these three decades under study. Most prisoners were males – 90 per cent in 1931, 95 per cent in 1941 and 93 per cent in 1951 as shown in Figure 6.2 (N= 638 for 1931; 483 for 1941 and 338 for 1951). The number of female prisoners admitted during these years was highest in 1931 with 65 being admitted then falling to a low of 26 and 25 in 1941 and 1951. Female prisoners will not be analysed in detail mainly because of their few numbers and their complete absence in Corradino prison in the 1850-1870 era. Records for female prisoners were also found to be scant. This would have made their analysis problematic. Forsythe (1991:199) maintains that the situation in English prisons with regards to the ratio of female prisoners when compared to males was similar, with one female prisoner for every thirteen males in the years 1934-1936. Far fewer female prisoners were being kept during the war years. Garland (1990:202) writes how females were treated more leniently from the eighteenth century onwards. There was a change in people's attitudes from the witch burning in the seventeenth century, when women were seen as bad and the devil's helpers to an era where women were seen as weaker and in need of help. This has not only influenced their treatment in the courts but also their treatment in prison. The change in the treatment of women began with the higher classes treating women with chivalry, with courtiers surrounding the lady of the house. This change in sensibilities later influenced how women were treated even in court. Women prisoners did not attract much attention in the nineteenth century. Women until the latter part of the twentieth century were often treated as sick and as rebelling against their role (Heffernan and Kleinig, 2000:204). This could explain why in Malta male prisoners had warders, police and members of the army in charge of them while women had the sisters of charity. The prison served to emphasise the stereotypical role of women as obedient housewives. The sisters of charity had been in-charge of women prisoners since 1871 when the governor asked them to run the Ospizio in Floriana that housed the elderly and women prisoners. When female prisoners were moved to Corradino in 1895 three sisters formed a community and started living in a convent in Corradino. Here they had to unite the discipline of the new prison with kindness so that the female prisoners would suffer less (Bonnici, 2002:60). Although this role would have been easier than one would have supposed as the prisons were run under a monastic rule of discipline (Foucault, 1977:125). Bonnici (2002:305) maintains that the sisters did not have enough space for their needs. They had too much work but they were not

allowed to have a maid's assistance. The sisters were treated as prison officers with regards to conditions of work, but they were not paid the bonus given to other workers. Furthermore, the sisters who worked in prison continued to do so until they became too old to work. There was no retirement pay or schemes for them. They would organise religious services for the female prisoners, keep the chapel in order and try bringing over someone to organise activities for the female prisoners.

Figure 6.3: Age of sentenced prisoners in 1931, 1941 and 1951



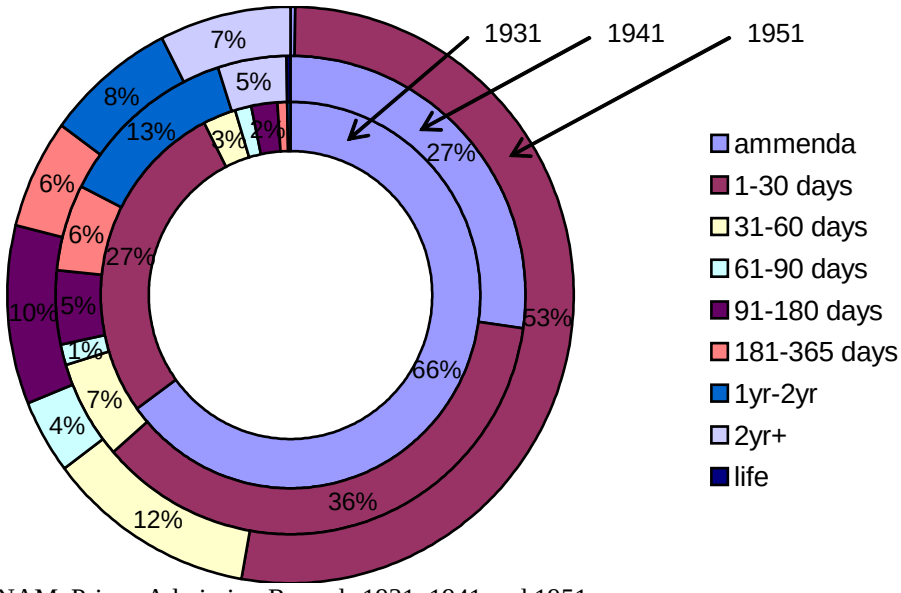
Source: NAM, Prison Admission Records 1931, 1941 and 1951

As is shown in Figure 6.3 most incarcerated offenders were between 17 and 30 years. Imprisoned juvenile offenders comprised seven per cent of the total for 1931, 10 per cent for 1941 and one per cent for 1951. The higher percentage for 1941 can be explained by the closing down of the reformatory. By 1951 the imprisonment of juveniles was not common. There were only two boys imprisoned and these were 16 year olds. During 1931 the youngest boy to be imprisoned was 10 years old and in 1941, 12 years old. The creation of the industrial and the approved school must have influenced this. In England the development of reformatory schools in the middle of the nineteenth century occurred. By 1900 almost no juveniles were sent to prison as it was assumed that being in contact with older prisoners would teach them to become better criminals and they would lose the dread of prisons. It was also thought that it would be easier to change the attitudes of young persons through education and training (Forsythe, 1991:45). This could reflect a change in the sensibilities (Garland, 1990) of the Maltese society as well as a change in thinking. In Malta it was only after the war that a real effort was made not to send juveniles to prison.

Offenders were likely to be between 17 and 21 years (17% in 1931, 15% in 1941 and 12% in 1951) or between 22 and 26 years (14% in 1931, 13% in 1941 and 14% in 1951), after which there is a gradual decline in the ages of the prisoners. There are progressively fewer committals

with increasing age. The situation of the Maltese prisons in the 1950s closely resembles that of England in the 1920s when prisoners usually were aged in the late teens or early twenties (Forsythe, 1991:96). Youths always formed a substantial part of the prison population. Each generation laments the loss of values and the rising crime rates of its youths. People seem to be hit by historical amnesia and they forget that the youths of thirty years before were just as problematic as the youths of the present (Pearson, 1994:1163). Pearson (1994:606) maintains that youth culture is by nature irresponsible. It is the necessary stage before the youth assumes adult responsibility.

Figure 6.4: Length of prison sentence in 1931, 1941 and 1951

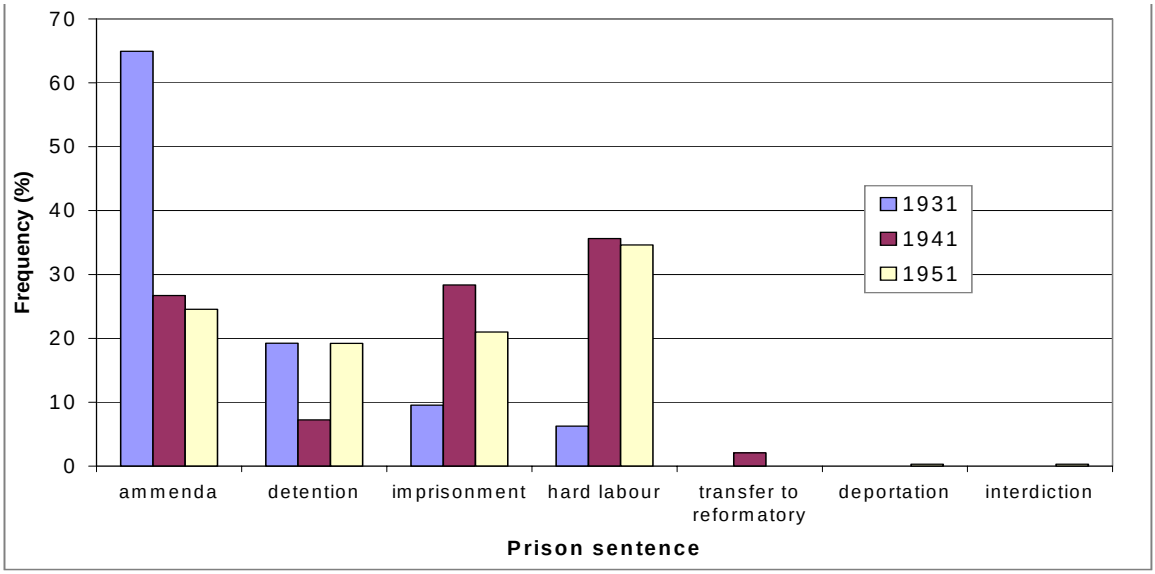


Source: NAM, Prison Admission Records 1931, 1941 and 1951

Most prisoners were sentenced to short periods of imprisonment as can be seen from Figure 6.4. Default of payment of a fine was the most common cause of imprisonment in 1931 (66%). This fell to 27 per cent in 1941 and to one per cent in 1951. This situation occurred because the courts through a change in legislation in 1934 to section 14 of the criminal code could grant a period of not more than 10 days for the payment of fines of less than 10 shillings and of not more than one month for fines over 10 shillings (NAM, Government Notice XXII.1934.4). A similar situation was found in England where in 1914, twenty years before, (refer to page 133) the Criminal Justice Administration Act enabled the English courts to postpone the collection of fines (Forsythe, 1991:96). In 1931, 93 per cent of prisoners were sentenced to less than three months imprisonment, leaving only seven per cent i.e. 19 prisoners who were sentenced for more than three months imprisonment. During 1941 63 per cent of prisoners were sentenced to less than three months imprisonment. This fall in the amount of persons being imprisoned for short periods is probably due to the drop of persons not imprisoned for default of fines. It might be suggested that the courts preferred to give short prison sentences rather than fines. More persons were given harsh sentences, with 15 persons given a six-month sentence and 44 persons given two years imprisonment. These sentences usually refer to possession of Crown property or theft. The situation in 1951 is only slightly different with 69 per cent being imprisoned for less than three

months. It seems that the lower the number of persons imprisoned for default of fines the higher the number of those imprisoned with a short-term sentences. These short-term sentences were also found in England but in the beginning of the 20th century not in the middle (Forsythe, 1991:96). These discrepancies in sentencing policy could have resulted in the Governor wanting an investigation on the prison sentences awarded to English servicemen. Finally, the minimum sentences imposed by the law were blamed, with a recommendation that these be amended (PRO, ADM, 178/355B). The move to spare people from undergoing a prison sentence in default of payment would have been interpreted by Rusche and Kirchheimer (1939:58) as the state needing labourers for the war and later to build the shelters and reconstruct the cities. Conversely, one could interpret this as meaning a change in thinking where it was realised that fine defaulters will not reform with a few days imprisonment and they cost the state money to keep.

Figure 6.5: Type of sentences in 1931, 1941 and 1951

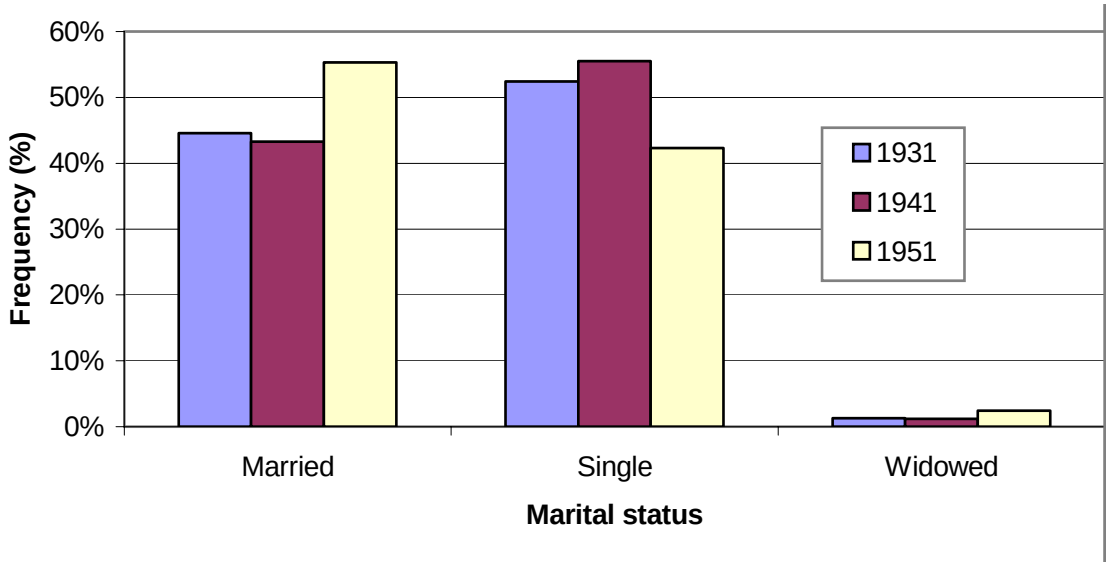


Source: NAM, Prison Admission Records 1931, 1941 and 1951

Figure 6.5 depicts the type of sentence that was awarded. As has been shown in the previous figure most sentences were short and not harsh. In 1931, 84 per cent were either detained or had failed to pay a fine (ammenda). Forty persons (or 6%) were imprisoned with hard labour and 61 (or 9%) were imprisoned. During 1941, 34 per cent were detained or sentenced for default of payment while 35 per cent (172) were imprisoned with hard labour and 28 per cent (137) were imprisoned. Ten juveniles were transferred to the reformatory. In 1951, 44 per cent were detained or payment defaulters, 34 per cent were imprisoned with hard labour and 21 per cent were imprisoned. One person was deported and another interdicted. The high rates of people sentenced for failing to pay fines shows that the courts were not taking into consideration the means of the offender when issuing a sentence. Carlen (1997:307) maintains that when the courts impose a sentence, such as a substantial fine for offenders who are socially disadvantaged, then justice is not served. Destitute offenders will not be able to pay the fine therefore they will go to prison while those offenders who have the money will not. These types of sentence are arguably ineffective and

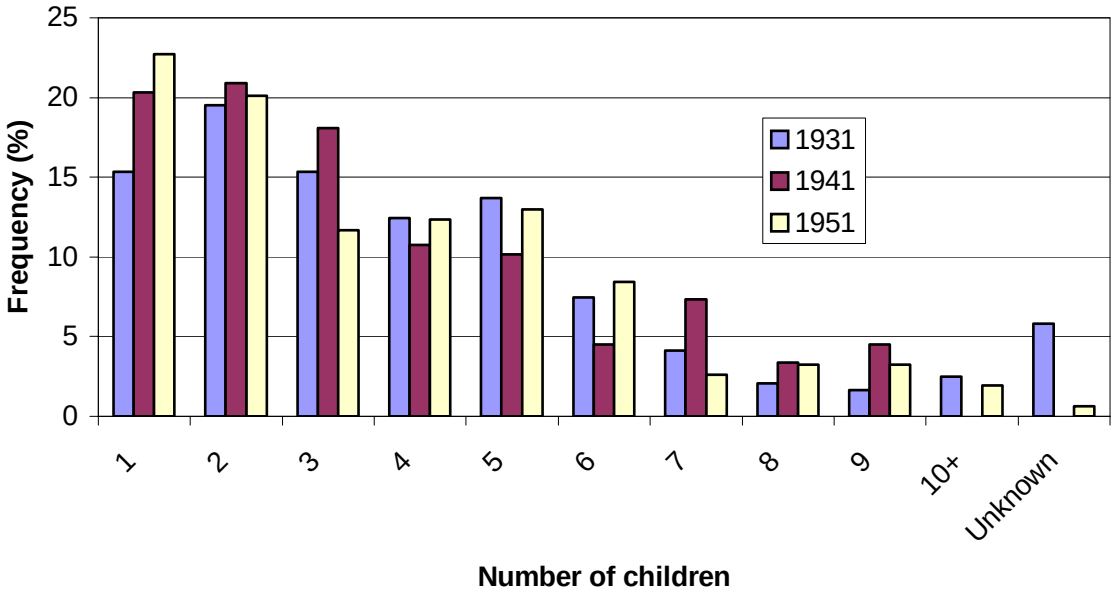
unjust. These sentences reflect the conflict view on punishment (Vold and Bernard, 1986:286). The courts will favour the higher class to the detriment of the lower classes. It seems that the courts were becoming harsher in their sentences as time passed. One could justify the attitudes of the courts during the war as it was a time of emergency but it is more difficult to justify them during 1951. Rusche and Kirchheimer (1939:58) would justify this as the state not needing the workforce due to Malta experiencing an economic depression after the war (Ganado, 1975:255).

Figure 6.6: Marital Status of prisoners 1931, 1941 and 1951



Source: NAM, Prison Admission Records 1931, 1941 and 1951

Figure 6.7: Number of married and widowed prisoners with children in 1931, 1941 and 1951

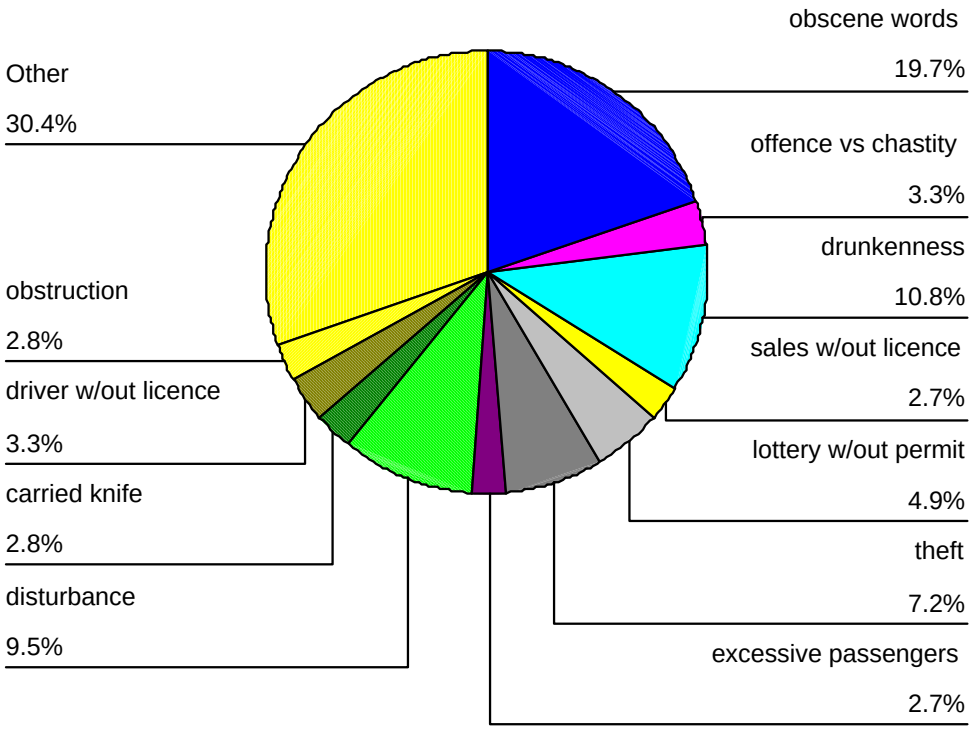


Source: NAM, Prison Admission Records 1931, 1941 and 1951

The above two figures show the family composition of the prisoners. Figure 6.6 depicts their marital status and Figure 6.7 shows the number of children that married and widowed prisoners had on the day of imprisonment. Again there is no record of single prisoners having children. During 1931, 54 per cent were single and 45 per cent were married. Almost the same

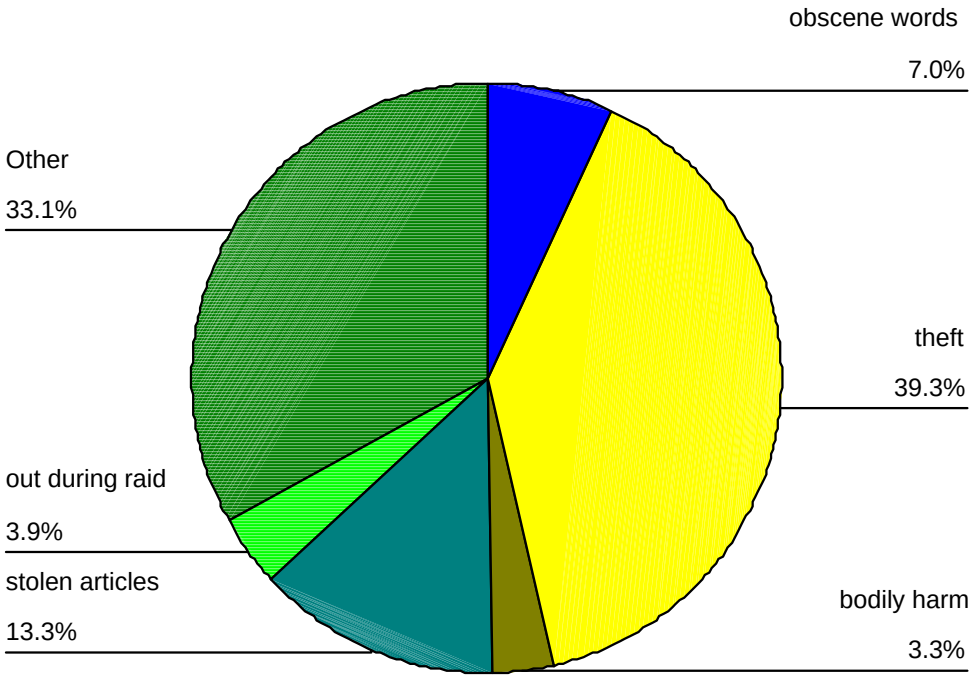
picture is found in 1941 with 55 per cent single and 43 per cent married. Again in 1951 a similar situation is apparent with some 42 per cent single and 55 per cent married. This slight variation could be explained because the prisoners in 1951 were on average slightly older. The overall marital status of the Maltese population was 60 per cent single, 33 per cent married and seven per cent widowed. The marital status of the Maltese male population according to the 1931 Malta census was divided into 65 per cent single, 32 per cent married and three per cent widowed. While the 1948 census shows that 42 per cent were single, 54 per cent were married and four per cent were widowed. The majority of offenders did not have any children – 63 per cent in 1931 and 1941, and 55 per cent in 1951. About 60 per cent of married and widowed prisoners had between one and three children between 1931 and 1951. The 1931 census does not give the amount of children in a household but the 1948 census shows that a household of four to six persons was the most common (NAM, Malta Census, 1948). Almost the same picture as the 1850 era emerges.

Figure 6.8: Types of crimes committed by sentenced prisoners in 1931



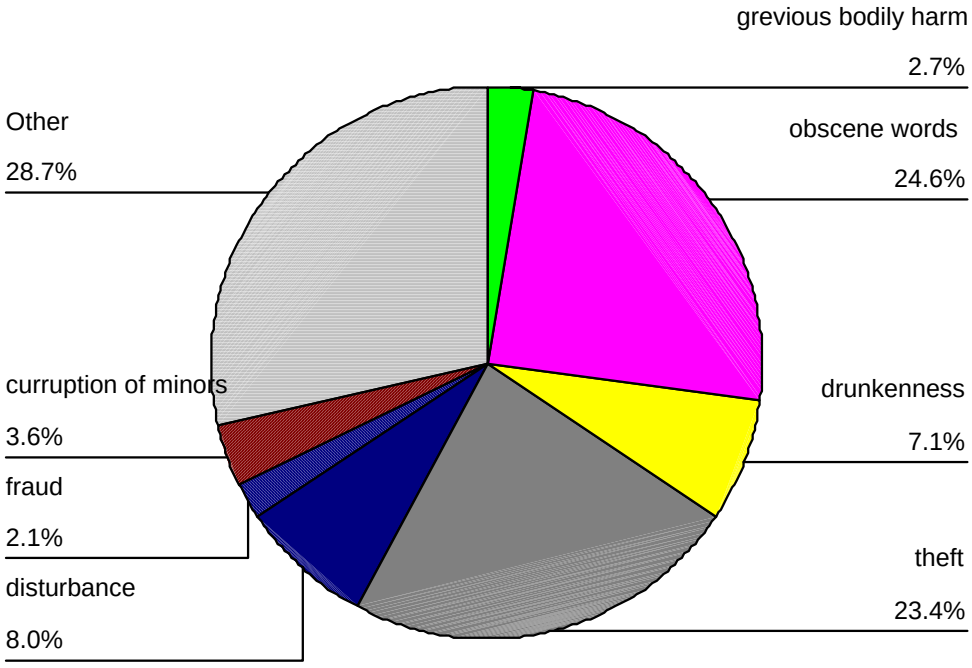
Source: NAM, Prison Admission Records 1931

Figure 6.9: Types of crimes committed by sentenced prisoners in 1941



Source: NAM, Prison Admission Records1941

Figure 6.10: Types of crimes committed by sentenced prisoners in 1951

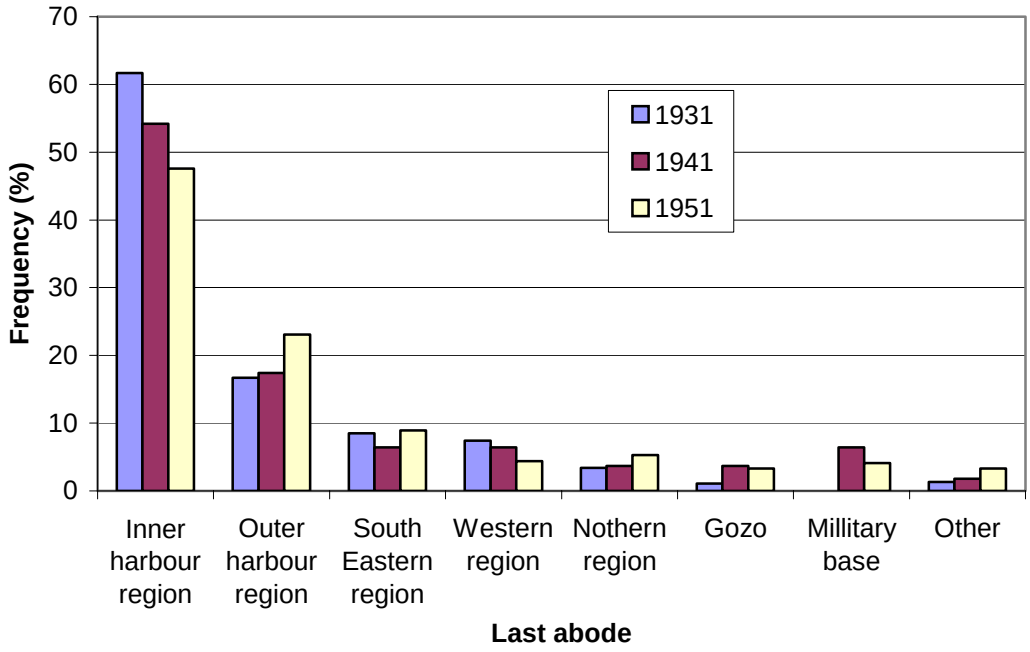


Source: NAM, Prison Admission Records 1951

As shown in Figure 6.8, Figure 6.9 and Figure 6.10 the most recurring offence during 1931 was uttering offensive words in public (20%), followed by being drunk in public places (11%) and disturbing the public peace (9%). Theft (7%), conducting clandestine lottery (5%) and committing offences against morals (3%) or operating a bus without licence (3%) followed. There were a plethora of other crimes committed by a small number of offenders. In 1941 the picture changed due to the war. The most common crime was that of theft and looting (41%) followed by

possession of stolen property (13%). Uttering obscene words in public, mostly blaspheming, fell to the third place with seven per cent. Other typical war crimes committed during 1941 included being out during an air raid and having visible lights during the night. During 1951, the most common crimes were uttering obscene words e.g. swearing in public (25%) and theft (23%). The offence of disturbing the public peace (8%) followed. Rusche and Kirchheimer (1939:58) would possibly explain the change in offenders prosecuted for uttering obscene words from seven per cent to 25 percent as being the cause of wanting to control the labour force. After the war, with an economic depression setting in, workers used to organise public protests. This was a means of controlling them in a subtle manner while looking as if they were protecting the faith – really looking after the needs of the state whilst supposedly looking after the offender's best (religious) interests. The same could be said for convictions like disturbance of the public peace, drunkenness and driving without a licence. Across the research years 1850-70 and 1931-51 there were no major changes in the type of crimes committed. There is a stable and enduring pattern of low-level criminality giving rise to modest (but real) loss of liberty, mostly committed by the same type of lower class offender.

Figure 6.11: Place of residence of prisoners prior to imprisonment in 1931, 1941 and 1951

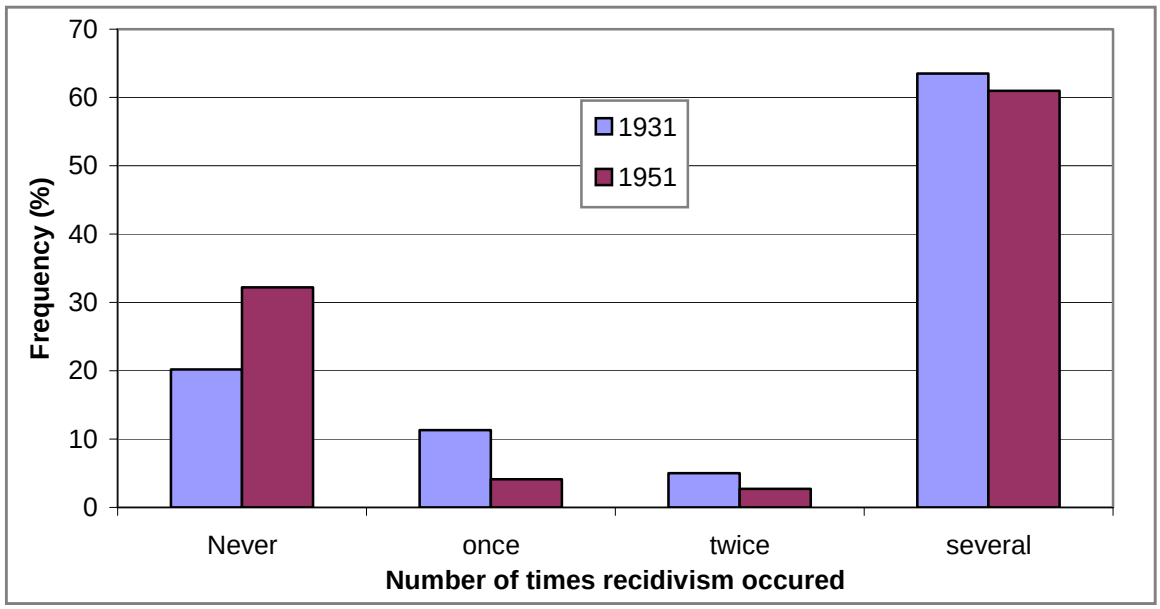


Source: NAM, Prison Admission Records 1931, 1941 and 1951

As can be seen from Figure 6.11 most offenders lived in the inner harbour region – 61 per cent in 1931, 54 per cent in 1941 and 47 per cent in 1951. The inner harbour region always attracted more crime mainly because there were many people living in close proximity, it was the place where the mercantile ships entered and where most business was situated. Even after the war, when most rich people had left the three cities and Valletta, crime rates in these areas continued to flourish. People living in the outer harbour area follow with 16 per cent, 17 per cent and 23 per cent for the years under study. The northern part of Malta is the least criminogenic with

three to four per cent of offenders coming from this region in 1931, 1941 and 1951. The south-eastern and western regions having a slightly higher percentage than the northern region confirming that population density may result in more crime. Offenders from the island of Gozo are few (1%, 4%, and 3%). However when one considers that offenders sentenced to less than 15 days were kept in the Gozo prison, and that most offenders where actually sentenced to less than 15 days, Gozo's claim to be a crime free zone diminishes, probably becoming no different to Malta as a whole. In 1941 and 1951 there were a number of offenders (6% and 4%) who lived in a military base before being committed to prison. The absence of prisoners from military bases in 1931 might indicate that military personnel who committed crimes were tried by court martial. The inner harbour region remained the most industrialised place in Malta. During the war the rich people in these places moved to the countryside while the poor entered the cities. There was an influx of poor people in the towns during the war and after. Miller's (1958) theorising on the link between crime and poverty, surplus labour, urbanisation and overcrowding (used in chapter 4) retains its plausibility.

Figure 6.12: Recidivism rates of sentenced prisoners in 1931, 1941 and 1951

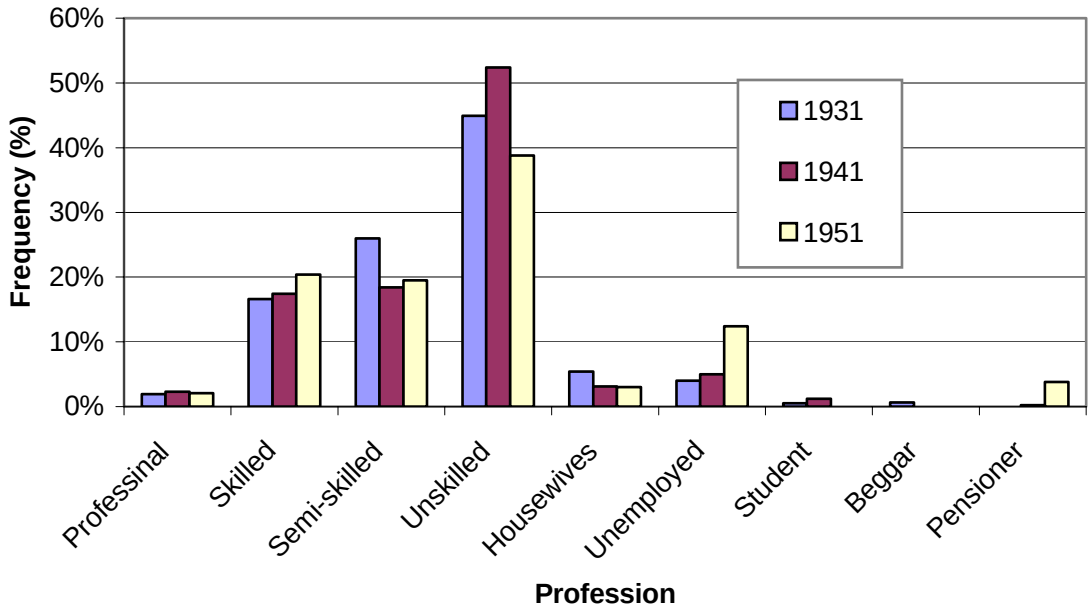


Source: NAM, Prison Admission Records 1931, 1941 and 1951

Recidivism rates for 1931 and 1951 in Figure 6.12 show that most offenders were recidivists. The data for 1941 are missing. Only 20 per cent in 1931 and 32 per cent in 1951 were first time offenders. Sixty three per cent in 1931 and 58 per cent in 1951 had been in prison more than twice. Imprisonment did not seem to be making an impact on offending behaviour. This is the opposite of what was found in the 1850-1870 period where most offenders were first time prisoners. It seems that the strict regime, which had brought about a change a century before had lost its effect. In 1931, one hundred sentenced prisoners were recidivists compared to the previous year where only 60 prisoners were recidivists – a small percentage in a population of a quarter of a million (NAM, CSG/01-75/1932). The Director prudently does not give the percentage of 80 per

cent recidivist rate as this might have put the prison in bad light. Recidivism was severely frowned upon. These people had already been in prison once and not learned, they therefore needed to spend more time the second time, and privileges which they were allowed, namely remission, would only be granted after the first three months of the sentence. The punishment at the time was what Walker would later term the utilitarian (reductive) justification of punishment (Walker, 1994:213). This thinking maintains that the state punishes certain actions to reduce re-offending: penalties reduce offending by deterring the offender by imprinting on the offender a bad memory of punishment, deterring potential offender by the fear of punishment, reforming the offender while in prison, educating the public and protecting the public through long sentences in serious offences (Walker 1994). This being the attitude of the authorities it is no wonder that people who either committed another offence or committed a grave offence while in prison then were further punished through the removal of marks according to the gravity of the offence committed.

Figure 6.13: Profession of prisoners prior to imprisonment in 1931, 1941 and 1951



Source**:** NAM, Prison Admission Records 1931, 1941 and 1951

Figure 6.13 shows that offenders (44% in 1931, 52% in 1941 and 39% in 1951) were employed in unskilled jobs prior to imprisonment. Unemployment still does not figure as the major factor associated with imprisonment with four per cent in 1931, five per cent in 1941 and 12 per cent in 1951. Persons who were professionals before imprisonment were few (2% in 1931, 1941 and 1951). Skilled and semi-skilled prisoners range around 20 per cent for all the years. Most women prisoners were housewives prior to imprisonment with a few of them employed as servants or hawkers. Most people in 1931 were unemployed according to the Malta census. Most females (83%) were unemployed (probably working as housewives) compared with 34 per cent of unemployed males in the general Maltese population. Only eight per cent of the male population and two per cent of the female population were professionals while 59 per cent of the male population was employed in skilled, semi-skilled or unskilled jobs. Persons who had a certain

status in society rarely ended in prison, most prisoners came from lower classes and were poor (Lea and Young, 1998:138). Although crime is not the monopoly of the lower classes it would appear that punishment is disproportionately imposed on those of low socio-economic status. Carlen (1997:309) writes that prisons 'have always housed large numbers of the poor, the unemployed, the homeless, the physically ill and the mentally disturbed'. Box (1987:96), after analysing 16 major studies about the relationship between poverty and crime, concluded that it was income inequality that was directly related both to crime and to penalisation.

Various theorists have linked poverty to crime. Merton's (1938) anomie linked the disjunction between the prescribed goals and the available means as a cause of crime. Cohen, in his delinquent subculture theory explained how some poor boys that were not successful at school would turn to criminality to be successful. Cloward and Ohlin's (1960) differential opportunity theory showed how some people will conclude that it is better to turn to crime rather than continue on the chosen path of low wages and drudgery. Wolfgang and Ferracuti (1967), in their subculture of violence theory explained how the poor were more likely to engage in violent illegal behaviour to settle their grievances. Miller (1958) showed how young man in the working class subculture showed their toughness by engaging in dangerous activities and seeking thrills and by testing fate. Shaw and McKay (1942) in social disorganisation theory showed how the poor in a disorganised and transitional sector in Chicago always had a high crime rate. Hirschi (1969) linked the breakdown of the social bonds of attachment, commitment, involvement and conventional beliefs to crime, while Sutherland (1924) linked crime with the process of learning from the people individuals usually associate with. The relationship between poverty and so-called street crime has been theorised in many different ways, but always in the direction of poverty being criminogenic. The data from the prison in Malta continues the association. White-collar crime was outside these parameters.

Prisons have always housed a disproportionate amount of the poor, the unemployed, the homeless and the ill. Prisons have also served as a place to keep problematic persons under control, such as political protesters. The criminal justice system cannot be fair on all, as the life circumstances of people are not the same, therefore punishment would affect people differently (Carlen, 1997:309). Carlen continues to insist that society has to rethink the system of punishment in existence, as it considers all people having the same choice of breaking or not the law. Furthermore it targets the young and the poor seeing the prison as the only choice when there is a breach in a non-custodial sentence bringing more pain to its targets and gives the judiciary total independence. These ideas reflect Rusche and Kirchheimer's (1939) ideas of the criminal justice system performing the role of training the labour force according to the needs of the state. If this were given some attention one would not imprison the homeless or the poor who commit crime in order to secure shelter and food (Hirst, 1997:270). One could easily imagine poor people picking

up a fight in order to gain shelter and food for some days in Malta, especially during the war. There is certainly evidence of theft for survival.

In order to be admitted in prison, a person had to have appropriate committal documents (Prison Regulations, 1931:Sec.6). On admission all prohibited item taken from the prisoner would be stored and the items entered in the inventory, with the exception of any dangerous or perishable items which would be destroyed. On release these items would be returned to the prisoners. The ongoing commitment to discipline was reflected in the bureaucracy of the institution where the authority of the prison is established through 'rational legal authority' (Weber, 1922:71).

Persons could be held in prison as persons awaiting trial (these persons were not considered for the purpose of this research), as sentenced to imprisonment or hard labour, under detention (mainly for those who defaulted a payment of a fine), as debtors or awaiting the death sentence. Prisoners could be photographed (Prison Regulations, 1931:Sec.9). During 1951 persons in preventive custody were being taken by police escorts to the police headquarters to be photographed (NAM, CCP/10/38). In June 1931 the police started a fingerprinting system. Requests to fingerprint every prisoner were exceeded to according to police request (NAM, CCP/Administration Circulars 71/1931). Photography and fingerprinting shows a commitment to bureaucracy and organisation. Having all criminals photographed with their relative fingerprints filed would render the work of the police easier. The new technology was to be used in helping in the fight against crime. Such a theory is problematic when one considers that most prisoners were committing petty crimes. Rusche and Kirchheimer (1939:5) would say that this was a further attempt to control the poor. Not only were they the victims of the criminal justice system which discriminated against them, but they were also being classified for the use of the state. On the other hand this could have been a simple move to hold a database to help the police in their work.

As can be seen from Table 6.3 during 1931, some 738 people were held under arrest, decreasing to 196 in 1941 and 134 in 1951. The figure of 738 prisoners awaiting trail from 1931 is almost certainly a mistake. The prison would not have accommodated this number. A figure of 138 is more probable, comparable with 196 in 1941 and 134 in 1951. In contrast there was an increase in sentenced prisoners – 225 in 1931, 376 in 1941 and 381 in 1951. During 1941 a number of juveniles were held in prison due to the closing down of the reformatory. There were no debtors held in prison in 1941, probably because of a reluctance to spend very scarce resources on 'giving' debtors food and shelter. Only one person was sentenced to death in 1941. The average daily population was 157 during 1931, going down to 80 in 1941 and increasing again to 128 in 1951. The 1941 low was probably due to the emergency situation in Malta at that time, although people were condemned for typical war crimes such as looting and being in possession of Crown property.

Table 6.3: Status of prisoners held in 1931, 1941 and 1951

Status	1931	1941	1951
Debtors	7	0	5
Juveniles	Missing	14	4
Awaiting Trial	738	196	134
Imprisoned	225	376	381
Death	0	1	0
Daily average	157	80	128

Source: Adapted from NAM, Blue Book 1931, NAM, CSG 01-97/1941 and NAM, Annual Report 1951

Classification of inmates was and is very important to secure a safe environment for both prisoners and staff. The reintegration of inmates in society is often dependent on placing them in the appropriate educational/training programme. Classification must take into account not only the offender but also the well being of society (Flanagan, Marquart and Adams, 1998:169). In 1931 the prison was run under a mixed cellular system, where criminals were housed together in a criminal ward and a complete separate system. In the latter system offenders condemned for more than 28 days were kept separate from other prisoners during this period and than gradually allowed to mix with other prisoners during work. Long sentenced prisoners were divided into lower class, middle class and upper class. A prisoner had to at least spend at least six months in each grade before qualifying to a higher grade (NAM, Blue Book, 1931). As most prisoners were sentenced to less than six months this meant that the situation for most prisoners did not change much from 1850. The plight for long-term prisoners was better with more emphasis on rehabilitation. Gone were the days when it was thought that in order to reform, prisoners were to be left in solitary confinement. With this change in thinking, longer-sentenced prisoners were allowed to communicate and work together.

Sentenced prisoners were kept according to their grades. For example on the 31st March 1931 50 prisoner were kept in the lower grade, nine prisoners in the middle grade, 70 in the upper grade, 11 were under detention, four under arrest and one was a debtor (NAM, CSG/01-75/1932). According to the prison regulations (1931) prisoners sentenced to hard labour were divided into short-sentenced prisoners – sentenced to less than six months and long-sentenced prisoners – sentenced to more than six months. Long-sentenced prisoners were further subdivided into lower-grade, middle-grade and upper-grade (Prison Regulations, 1931:Sec.122). The prison regulations (1931:124-134, 150-170 and 188-190) go into a great deal of detail on how each prisoner had to be treated, dressed, what type of work they were to perform, what religious services they had to attend, how they were to be promoted from one class to another and so on. The legislator felt the need to specify and delineate the different classes of prisoners. This shows ongoing commitment to bureaucracy. This was probably necessary because the bureaucracy demanded that everything be clearly explained leaving as little as possible to interpretation (Weber, 1922:77). The evolution of bureaucracies is one of the developments effecting changes in thinking during this era. The prison

sentence would get easier the more time spent in prison. Although the philosophy that deprivation of liberty was the punishment was still far from being adopted, the long-sentenced prisoner had an easier life than the short-sentenced one. The education of prisoners was seen as an important element, especially in the 1950s, as will be shown in the next chapter.

Long-sentenced prisoners could earn remission through work and good conduct. Remission earned by prisoners sentenced for less than two years started on their promotion to the middle grade i.e. not before six months and for those sentenced for more than two years. Prisoners sentenced to imprisonment for more than six months were allowed to work on second class hard labour to earn marks, but if they stopped working without a reasonable excuse they would lose all their marks. The total amount of remission earned could not exceed one-fourth of the sentence for males and one-third of the sentence for females of the remaining part of the sentence (Prison Regulations, 1931:Sec.138-140). Women were surely treated more leniently than males during their prison sentence. There is a discrepancy even in the prison regulations. Women could get out of prison before men for the same sentence length. This is the 'chivalry' theory at its most effective where women are treated more leniently because the legislator, being male, cannot believe that females can be bad (Heidensohn, 1994:1017). The 1931 legislator was surely influenced by changes in thinking. More generally, remission and the calibration of good behaviour against reward earned, points to the increasing ascendancy of the behavioural school of psychology (Hall and Lindzey, 1985:467).

Remission was awarded in the following fashion. Six marks were given automatically – one mark was given for a good day's work and two for an exceptional day's work. The sentence of each long-sentenced prisoner was worked out in marks by multiplying the number of days by six and by eight. Therefore the prisoner who did nothing would earn his six marks daily – doing the whole sentence. The more diligent prisoner would earn the extra two points daily and leave prison earlier. Each prisoner knew his earliest possible day of release and his latest one. The prisoner would see how many marks were earned or lost weekly therefore he/she would know how much time was left. For female prisoners the calculation was based on four and six marks instead of six and eight marks (Prison Regulations, 1931:Sec.141-142). Prisoners would lose the two additional marks if they were in hospital, or had to be put on light duty. This was probably included to lesson the temptation of prisoners reporting fake illnesses. Prisoners could also forfeit marks if they infringed the prison discipline. Marks could be earned back if restored by the governor. He could also grant a number of marks so that a prisoner would be pardoned (NAM, CCP/Marks Register 1931 and 1941). This system required a certain amount of work but it was a robust metric. Through it the prisoner would periodically know when his earliest time of release was, how many marks he had earned and how many he could lose. Although bureaucracy does take a certain amount of work it is necessary to legitimise certain administrative procedures such as remission (Weber, 1922:77). The state has to justify the interference with the courts' sentences. The more

bureaucracy is dehumanising the better it works as it portrays an image of official business with no human feelings. The middle class would have applauded this, as they would have seen the prison as a place where people were kept, treated in an equal manner and reformed. Their sensibilities would have been spared, whilst their inclinations to see good behaviour rewarded and bad punished according to a strict, even and scientific calculus would have wavered their increasing psycho-social instincts. As Weber (1922:77) noted: 'the more the bureaucracy is 'dehumanising', the more completely it succeeds in eliminating from official business love, hatred and all purely personal, irrational and emotional elements which escape calculation'. The prison machine is a fine-tuned instrument.

Discussion

The prison building did not undergo any major changes during the 1931-1951 era. Discipline was still the fulcrum of the 20th century prison but reformation and the rehabilitation of the prisoner was given increasing importance. Although there were no structural changes in the building certain changes such as the widening of the cell windows for better natural light, the isolation cells used for prisoners suffering from contagious diseases, and the building of an entertainment hall all point to a commitment to reform the prison and better prison conditions in support of the first two hypotheses – a move from deterrence to rehabilitation and the use of a softer mode of punishment. This change in thinking shows a change in the prison's ideology from the penitentiary to the reformatory, albeit about twenty years later than Britain. This change is also due to a change in people's sensibilities. With the passage of time society became less sanguine and frowned on punishment that seemed unnecessarily cruel (Spierenburg, 1984:189). At the same time the prison was faced with a dilemma of rendering the place obnoxious to prisoners so that they will be discouraged from committing further crimes and re-entering prison. This led to a situation where the changes in thinking and the people's sensibilities demanded a humane prison dedicated to reform while discipline demanded a harsher regime. This resulted in the creation of the prison, modelled on the reformatory, where discipline was tampered with kindness through the punishment of the soul.

The war years are important for two reasons. They show how the change in thinking encouraged the use of the reformatory for young men but, more importantly, it depicts how social standing influenced treatment in prison. This reflects Rusche and Kirchheimer's (1939:5) ideas that the prisons are just another institution dedicated to controlling the masses and to mould them according to the needs of the state. While the rules specified that internees should not be treated as privileged prisoners in reality the interdiction did not apply: internees fared well in absolute terms and fared better than other prisoners. As has been shown the shelter for their protection was built before that for the prisoners and they had more and better food. The internees' influence can only be justified because of their social status. The needs of the state are also reflected in the use of

pardons where military personnel were pardoned to serve in the war. The commitment to discipline was still important. Although the internees were treated in a lenient manner the other prisoners were not so lucky. The prison authorities had to show that the prison was a disciplined institution which they did through the mechanism of bureaucratic control.

The classification of prisoners and the excessive bureaucratisation show a commitment to discipline. Classification means discipline (Foucault, 1977:294). Bureaucracies not only give a legitimate excuse for the wielding of power but they give the authority to use the power (Weber, 1922:79). Most prisoners were single, with no children, convicted for less than three months imprisonment for some petty crime. Most prisoners were young Maltese males, unskilled and illiterate (NAM, CCP/Prison Admission Records). If one was to look at any official crime statistics in western states a similar picture emerges. Men offend more than women, the young more than the old, the working class more than the middle class, and ethnic minorities more than Caucasians (Lea and Young, 1998:138). This is also true for Malta during the 1931-1951 period with the possible exception of race difference. The analysis of the prisoners' characteristics shows that female and juvenile prisoners were treated more leniently. This was a result in the change in thinking and the people's sensibilities. Women were not seen as bad, rather they needed treatment. One the other hand juveniles were considered to be young enough for reformation. Both the new theories about reform and the people's sensibilities come to play at this point. On the one hand society felt that these young people could be reformed on the other they could not be treated as adults because of their age. The influence on thinking can also be seen with the introduction of remission. Although this was probably influenced by prison overcrowding an element of reform was certainly present. The bureaucratic structure created for remission emphasises the preoccupation of the authorities with the legitimisation of prisons.

The classification of prisoners, with those being guilty of the most serious crimes being given less privileges, at first, than those guilty of less serious crimes show a gradation in punishment according to the change in thinking. Every prisoner had to be reformed but not all needed the same amount of time or the same conditions. At the same time the petty criminal, who usually ended going in and out of prison in a cynical fashion, did not usually gain any remission. This absurd system was justified through the division of prison sentences in different parts with different aims. The first nine months of the sentence were to achieve deterrence and retribution, after which the retribution element would diminish and reformation would take its place (McConville, 1995:136). Due to this reasoning the recidivist who was given days or a few months imprisonment was always faced with the harshest sentences which a person who committed a grave crime, such as murder, would only have the first months of hardship in his/her sentence with gradual privileges being awarded. The lower class, persistent petty offender was least susceptible to the benefit of privilege or remission.

The changes in the law to enable fine defaulters to pay their fine at a later stage also shows the willingness of the legislator to be influenced by a change in thinking. However the legislator was also being influenced by the demands of society. Social solidarity (Durkheim, 1893) demanded that those who did not pay the fine after being given a chance should be more harshly punished as they had contravened the law twice: first, when they were punished by the fine; and later, by not paying. Harsher treatment was given to them in prison than those who had committed a contravention. This could also be the result of wanting to train the poor for the needs of the state. Prison was also used as a means of controlling the unruly classes – more imprisonment during the 1950s depression, the imprisonment of the lower classes because they used foul language, created a disturbance or gambled and the imprisonment of a disproportionate number of poor people from the inner harbour region.

This chapter delineates three important theoretical points. The change in the building and the reluctance to commit young persons to prison shows the influence of the changes in thinking and sensibilities. Secondly the treatment of the internees, a portion of the prison regulations and the characteristics of the persons housed in the prison show favouritism towards the upper and middle class, confirming the Marxist view that the prison is an institution of control dedicated to the needs of the state. Finally the use of the bureaucracy and classification show the commitment to discipline of the prison authorities. The findings also show support for the three hypotheses. After having seen the type of prisoners held in prison and the problems associated with them, in the next chapter, the researcher will continue to explore the prison regime, the prison discipline, the diet, the work and the workers in the prison in more detail.

Chapter 7: Prison Regime 1931 - 1951

While chapter 6 depicted how the prison building and the prisoners impacted on prison life this chapter looks at the prison regime 1931-51. This chapter follows the structure of chapter 5, with particular attention paid to the treatment of prisoners and communication. The points of convergence and difference between 1850-1870 and 1831-1951 regarding prisoners' profiles (Chapter 4 and 6) and prison regime (chapters 5 and 7) and dealt with in chapter 8. The prison regime cannot exist without prison discipline and the punishment awarded to both prisoners and staff. Another important component of prison life is the work done by the prisoners and the dietary regime of the prison. The final part of the chapter will look at the workers of the prison. Both the prisoners and the staff of the prisons are important components of prison life. One can roughly divide the staff into two, the ones in command and the ones receiving orders, although the middle ranks do both. As in the previous chapters the findings will be incorporated with the theoretical perspective to address the hypotheses.

Prison Routine

The prison regime faced substantial change by 1951 – away from a regime specified in the prison regulations of 1931 where punishment was seen as a 'serious thing' (no talking, no form of entertainment and so on) to a new regime where the loss of liberty was seen as the primary punishment. The prison commission in the UK between 1921 and 1939 was relaxing the separation of prisoners, removing the compulsory attendance of chapel services and allowing the introduction of wireless broadcast and the showing of films or other form of entertainment in England (Forsythe, 1990:175). In Malta the prison regulations enacted in 1931 did not mention any of these reforms. One had to wait until 1948 for prisoners to be allowed more communication privileges and for the entrance into prison of music or drama companies (NAM, CCP/Annual Report, 1947-1948:16, NAM, CCP/10/38). All these were innovations brought over by the new Director after his observations in the British prisons (NAM, CCP/Administration Circulars 46/1931). It also offers another example of British policy and practice being adopted in Malta after an interval of some years. This also clearly shows a change in thinking in the treatment of prisoners. Prisoners were not to be left alone to meditate on their wrong doings but were to be rewarded and entertained for good behaviour. Elias (1939:276) would have continued by saying that the people's sensibilities made the inclusion of entertainment possible in prisons. If this had not been so there would have been a public outcry on the lenient treatment that prisoners were receiving.

Communication can be divided into two parts – that with the outside world, including visits and letters, and that within the prison. Communication and visits with the outside world were restricted by the 1931 regulations. Visits lasted for not more than 15 minutes and not more than four persons could visit more than one prisoner. Visitors to prisoners, after approval from the

Director, had to be either relatives or respected friends. The Director could also allow a prisoner to receive a letter instead of a visit. He could also allowed special letters in the cases of: the death of a near relative; when the offender needed to give instructions on business or family affairs; or to make arrangement for employment on release (Prison Regulations, 1931:Sec.79-81, NAM, CSG/01-1330/1941). On special occasions, such as funerals (NAM, CCP/10/27-23/07) or the illness of a relative (NAM, CCP/10/38-25/11), prisoners were also allowed to visit people on the outside world. These regulations and actions point to a more humanitarian attitude toward prisoners made possible by a change in thinking and sensibilities. The impact on the prison regime of these changes in thought was drastic – almost as drastic as in the first era when the modern prison first started. Although it was possible to send people to visit family members in 1931 none were sent, and during 1941 there was only one occasion where prisoners were allowed to go and see their sick father who later died. Although this continues to support the idea that the regime advocated by Paterson during the 1920s (Forsythe, 1990:175) were only felt in Malta a while later, it would also support the idea that it was the personality and character of the Director that tended to have the most direct impact on the prison regime and the day-to-day life of prisoners.

Lawyers could meet with their clients in the prison. They were to be seen but not heard by a prison warder. Visits from relatives and friends were held in the visiting box (Prison Regulations, 1931:Sec.85), an improvement on the visiting arrangements of 1850. Again, with the introduction of a new Director of prisons, more visits were allowed. Visits, with the exception of visits by lawyers, would take place in the sight and hearing of a prison official (NAM, CCP/Annual Report, 1945-1946:9). Only in special circumstances, to be listed in the Director's journal, would a visit outside the visiting hours or the visiting box be allowed (Prison Regulations, 1931:Sec.82-86). Thomas (1972:152) calls the Paterson era (1922-1945) 'the golden age of prison reform'. This was felt in Malta only after 1948, ironically when this era was in its end in England. Increasing privileges and the removal of restrictions in prison marked this age as a product of changes in thinking and increased sensibilities.

Every letter entering or leaving the prison had to be read by the Director. Objectionable contents would be withheld and written in the Director's journal (Prison Regulations, 1931:Sec.91). Here again one finds the absence of any withheld letters. This could be partially explained because most prisoners could not read or write, therefore the prison Chaplain would write their letters, modifying anything he knew would be censored. On the other hand it could show some slackness. When an internee wrote an objectionable letter to the chairman of the Board of Visitors the chairman objected that he did not want to receive any more letters from that prisoner. This could indicate that although letters were read they were only scrutinised for defamatory or security related material. The new ideas on imprisonment promoted a more humane treatment of prisoners, supporting the second hypothesis. Although one would logically suppose that the relaxation of rules would make prisoners happier this was not always the case. Thomas (1972:159) cites the

example of the riot in Dartmoor prison in 1931. He wrote that the fact the prisoners were allowed to communicate with each other enabled them to organise themselves. He maintained that the riot was caused by the social dynamics that were allowed to develop between the prisoners. New pressures developed between inmates themselves and between inmates and staff. As regulations were relaxed prisoners tried to gain more privileges. At the end the stress of losing one's liberty was the only thing left. This became intolerable and while in previous era prisoners would smash the furniture, now they were put in a position where escape was possible.

Direct communication with the outside world was restricted but permissible. When prisoners were out of prison they were either accompanied by the police or by prison warders. Warders escorted prisoners to hospital and to visit relatives while the police escorted them to the court or to the police general headquarters (NAM, CCP/10/38). During 1951 there were 361 police escorts and 90 arrests (NAM, CCP/10/38). During 1951 44 prisoners were allowed to receive extra visits for good behaviour (NAM, CCP/10/38). This again shows the effects of humanitarian thinking on the prison regime.

Sometimes prisoners received visits from the outside world which they probably rather would have missed. A police officer could interview a prisoner on the production of written authorisation by the commissioner of police (Prison Regulations, 1931:Sec.89). The Director's journal records a number of these instances (NAM, CCP/10/38). Conversely, some visits were probably well looked upon by the prisoner in that they broke the routine and monotony of the days. The governor, Major Bonello and the minister for justice visited the prison on the 17th April. On the 24th April the law course students while on the 27th and the 30th November the medical students visited the prison. Other visitors include the captain of the fleet (4th May), the bishop of Gozo (5th September), the archbishop of Catania, Sicily (7th September), and the Prime Minister, Dr Paul Boffa (14th September) (NAM, CCP/10/38). One would expect police investigators to visit the prison if a prisoner would aid their investigation and to a certain extent visits from high level officials were not new. Both served the dual purpose of showing what a well thought out prison could achieve by way of reform and demonstrate to the outside world (and the authorities) the required degree of tranquillity and that prisoners were treated with decency. What were surprising were the visits from university students. Thomas (1972:154) writes that in the 1930s many prisoners and members of society were impressed that members of the upper classes of society would dedicate time for prisoners' reform. This is not so difficult to explain if one considers the evolving sensibilities of society. As Elias (1939:276) maintains, the sensibilities of the upper and educated class change first. These in turn would influence the lower classes to change.

Although the prison regime was less strict it was still run under a strict timetable. The value of the discipline of the 19th century is still apparent although modified to include the humanism of the 20th century (Thomas, 1972:161). Locking up time during the winter months of

1931 were from 16:30 hours to 6:00 hours, and during the summer months from 17:30 hours to 6:00 hours. Lights were put out at 20:00 hours in winter and at 21:00 hours in summer. The divisions were patrolled every half-hour (NAM, Blue Book, 1931). As one can see in Appendix F prisoners were let out of their cells at 06:30 hours during summer and at 07:00 hours during winter. After three hours prisoners in the lower grade were locked up again and left to work in their cells. Prisoners in the middle grade were locked half an hour later and those in the upper grade an hour later. Prisoners were given lunch at 11:30 hours where they were given an hour and a half break. At one in the afternoon work started again. During the summer months they worked for an hour in their cells and were then unlocked to work in communion. During the winter months they started working together after the lunch rest. Prisoners in the lower grade were locked up to work in their cells for two hours in summer and for three and a half hours in winter. Those in the middle grade were locked up an hour later to work in their cells and those in the upper grade were locked an hour and a half later and were not expected to work. Prisoners in the upper grade spent the least time working. During Sundays and public holidays as prisoners were not working they were only allowed out for two, three or four hours in the mornings and evenings depending on their grade. The Director believed that the prison should be a place for correction. He maintained that he was going to introduce workshops in divisions five and six (juvenile) and teaching in all divisions, but the war intervened and he only managed to employ trade warders (NAM, CSG/01-3816/1941). In the beginning of the 1930s the attitude taken by most prison governors in England was that every minute of the time spent in prison had to be occupied. Alexander Paterson was very influential in introducing this new method of correction – from rigid discipline to enlightened (even charismatic) leadership where strictness was tempered with tenderness and sensitivity. Lilian Barker, when she assumed command of Aylesbury turned this female prison into a place for creative hobbies and open-air activities. Although Barker started with a free regime as the prison commission wished, she found out that the prisoners were defying authority interpreting liberty as weakness. She therefore modified the regime to incorporate a disciplinary framework. At least one prisoner had confidence in the new approach: ‘we started as prisoners living in prison and we ended as citizens living in a community’. This system faced problems with the staff who did not know how to act (Forsythe, 1991:203-204). This system gave importance to discipline but Foucault’s (1977) ideas that prisons were to produce docile bodies, was being modified. Prisoners were expected to work and reform but they could communicate with each other. The mechanical transformation of prisoners was being replaced by a psycho-social transformation. This new-style thinking and practice was not evident in Malta during 1931 and 1941. Although there is a mention of introducing workshops and education the Director did not seem over enthusiastic.

When G.J Ransley became Director of prisons in 1944 he wrote in the annual report that his principle aim was to bring the ‘prisons in line with those of the United Kingdom’ (NAM, CCP/Prison Annual Report, 1945-1946:1). Between 1921 and 1939 there was a drastic change in the treatment of prisoners in England. In 1931 separation of prisoners was stopped. In 1924

attendance to mass was optional, flogging was not used by the-mid 1920s, the arrows on prison uniforms were removed in 1921 and later forms of entertainment were also introduced (Forsythe, 1991:175). These innovations had to wait until Ransley was made Director although flogging had stopped by 1931 and arrows were never used on prison uniforms. Attendance to church continued to be compulsory even during Ransley's time. There was evidence of a clear but decisive shift away from discipline and punishment towards a new emphasis on work and education.

Ransley maintained that the 1931 regulations were outdated and that he had issued a number of orders, to enable the reformation of prisoners (NAM, CCP/Prison Annual Report, 1945-1946:1). There was also a debate in parliament on these regulations but to no avail (NAM, CSG/01-3816/1941). These regulations never materialised and the prison regulations were only changed in 1995. When the Director saw that the changes in regulations would probably take a very long time to be enacted he started to use his discretionary power to modify the regime, making it as much as possible similar to that found in England.

The rehabilitation of prisoners through a regime that emphasised reform is not new today. Offenders are not only to be punished but also to be shown the right way of behaving. Rehabilitation compels the state not only to lock people up but also to care for their welfare (Cullen and Gilbert, 1982:325). Rehabilitation focuses on the reduction of crime through human care, support and personal change by means of education, welfare and training rather than reliance on the supposed disciplinary effects of a harsh and punitive regime. The 100 year transformation of prisons from sites of terror to sites of rehabilitation is mirrored more recently by the transformation of boot camps from strict militaristic institutions to ones that include and integrate educational and therapeutic components (Brame and MacKienzie, 1996:2). According to Cullen and Gilbert (1982:330) reform has historically always received support even in the 1850s. The change from retribution to reform continues to emphasise the change in thinking and the influence of changes in sensibilities occurring in society.

Penal welfare according to Garland, (2001: 34) has its origins in the UK reforms of the 1890s, continuing until its apparent demise in the 1970s. At the end of the 19th century the positivist school of criminology started to emerge. Scholars like Lombroso (1876), Durkheim (1895), Kropotkin (1898), Ferri (1901) and others wrote about crime and its causation. As the concept of free will was being challenged it was only natural that prison regimes assumed a more humanitarian character. If persons were not free to choose it would not be fair to make them pay for their crimes. If they were sick they had to be cured. Imprisonment was tempered by compassion as retribution gave way to a new ideology of treatment promised on assessing offenders' needs. New conceptions of penal welfare tended to work against prisons as they were not seen as reforming offenders. This gave rise to the birth of alternatives to imprisonment (Garland 2001: 35). With the change of prison regimes in Malta there was the birth of probation

confirming Garland's ideas. He continued to write that after the war probation officers, social workers and other helping professionals dominated the criminal justice system. Although this cannot be said of Malta as the Probation of Offenders' Act was only enacted in 1957, there is prior evidence of parish priests exercising influence on the judiciary when dealing with certain categories of offenders such as drunkards and petty offenders (Scicluna, 2000: 358).

The reintegration of prisoners into civil society was given increasing importance. When prisoners sentenced for more than two years were about to be discharged and the clothing with which they entered prison were no longer fit to be worn they would be furnished with a suit of serge clothing in winter and fustian clothing in summer (Prison Regulations, 1931:Sec.17). This regulation mirrors the ones found in 1850. As much as possible ex-inmates had to be spared the stigma of imprisonment and foster reintegration and rehabilitation. This could only be efficient if society was willing to accept that most offenders were disadvantaged members of society. There were also pragmatic and utilitarian considerations – by investing in these people it was hoped that they will not re-offend therefore costing society less (Cullen and Gilbert, 1982:325).

As much as re-integration into society was important, so was the equal treatment of prisoners during their sentence. Prisoners were given a prison uniform. This uniform was the same as that found in 1850. Although some changes were made in the prison regulations others where left as they were. It seems a little strange that the fashion did not change in fifty years. When prisoners were discharged their prison clothing would be disinfected before being issued for another prisoner (Prison Regulations, 1931:Sec.18). This continuity points to the continued importance of discipline in prison. Although there seems to have been some attempt to embrace the reforms being experimented with in England, the use of the prison uniform points to mechanical treatment. Prisoners were dressed the same and treated the same. Foucault (1977:294) would have explained this by writing that the aim of the prison was to change people into behaving uniformly.

Hygiene was important in prison in order to avoid disease. Prisoners had to keep themselves clean and obey all orders to ensure the cleanliness of the prison and the prisoners (Prison Regulations, 1931:Sec.28-29). A very common disciplinary infraction was that of not keeping the prison cell clean (NAM, CCP/Punishment Book 1931, 1941 and 1951). Male prisoners sentenced to imprisonment had to have their hair closely clipped and to be clean shaved. Female prisoners were not to have their hair cut except when it was so ordered by the Medical Officer. Prisoners also had the duty to keep all utensils, and other articles issued clean and neatly arranged. When the prisoners were not in their cells the doors of the cells were kept open and the bedding rolled up so as to allow the free circulation of the air and light (Prison Regulations, 1931:Sec.30-34). This was not always the case. A prisoner complained to the Visitors of the extreme heat in his cell. After speaking with the Director permission was granted for the trap door to be left open

when the prisoner was not inside confirming that trap doors were not usually left open (NAM, CCP/09/02, 15/07/31). During the summer months the windows were kept open for a breeze (Prison Regulations, 1931:Sec.34). The commitment to discipline is also seen in the efforts to keep the prison clean. Although there is a practical component to this, in as much as an institution has to be kept clean from vermin, there is also a disciplinary component present. Discipline was not only kept with regards to work and communication, but also, in the fact that prisoners, had to keep themselves and their cells clean even if they were not used to doing so when they were in society. The authorities deemed that cleanliness of the body was important for reformation therefore prisons and prisoners had to be kept clean (Ignatieff, 1978:101).

Prison Discipline

Prisoners were guilty of offences if they disobeyed any order given by the Director or a prison officer and if they disobeyed the prison regulations. Prisoners had to treat with respect all those working in or visiting the prison. Prisoners were guilty of an offence against discipline if: they were idle or refused to work, behaved irreverently in the chapel, used obscene language or gestures, talked to other prisoners without permission, made any unnecessary noise, made frivolous complaints, left the area that they were designated to be, damaged any prison property, or kept any prohibited article (Prison Regulations, 1931:Sec.66). Perhaps predictably, these regulations were regularly broken as shown in Table 7.1. For the years 1931 and 1941 the data was constructed from the punishment books but the 1951 punishment book was missing, therefore the data had to be taken from the annual report. That is why in 1951 not all the classification of offences are covered and there was no clue as to what the 'other' category contained.

Table 7.1: Offences committed by prisoners in 1931, 1941 and 1951

Offence	1931	1941	1951
Carelessness at work	107	9	-
Failing to perform work	47	13	5
Making noises while locked in cell	18	81	-
Attempting to give unauthorised objects	4	21	-
Speaking when not authorised/bad language	97	139	36
Disobeying warders	87	80	48
Having unauthorised articles	70	85	47
Smoking	1	26	-
Destroying prison property	15	42	15
Fighting	19	71	50
Not being in the assigned place	26	39	-
Others	27	17	84

Source: Constructed from data found in the ledgers NAM, CCP 11-13, and NAM, Annual Report 1949-55

In 1931 out of 638 prisoners, 107 were punished for being careless and 47 for refusing to work, while only nine and 13 prisoners out of 483 where punished for these same crimes in 1941

and 5 prisoners out of 338 were punished for refusing to work in 1951. In 1931, 97 prisoners were disciplined for speaking when not authorised. The number was to 139 in 1941 and 36 in 1951. The 1951 figures are low because only those prisoners who used bad language were disciplined. By this time prisoners were allowed much more freedom to communicate with other prisoners in their class. Making noises in the cell while locked changed from 18 in 1931 to 81 in 1941. These offences decreased in summer (Appendix G) possibly because of the heat but also due to the war as those were the worst months of bombardment by the axis powers. Attempting to give or having unauthorised objects was also an action frequently punished. Prisoners would smuggle anything from food to cigarettes from alcohol to shoes or other objects. A prisoner who was allowed more food would give some to another prisoner one would suppose for something else, although this is never clarified in the punishment books of 1941. Internees gave tobacco to prisoners. Ganado (1977:256) specifically writes that when his turn used to come to go for food in the prison kitchen he used to take with him some cigarettes and give them to the prisoners working in the kitchen. In July 1941, seven prisoners out of a total of 26 were disciplined for smoking or having cigarettes. Ganado wrote that although an investigation was conducted he was never caught because as he was a non-smoker no one bothered to investigate him. Punishments given to prisoners for disobeying rules show that the prison authorities were preoccupied with maintaining order. All infractions point to the fact that prisoners tried to subvert discipline. The internees also helped them. This might be due to two factors. They might have felt a certain kinship to prisoners and therefore joined their subculture in trying to challenge the authorities. Alternatively, because internees came mostly from the upper class of Maltese society they might have seen certain rules such as not being allowed a cigarette as a cruel and useless punishment. If these were their sentiments they would have not seen anything wrong in supplying prisoners with prohibited items of food and tobacco. Probably it was a mixture of their sensibilities together with their anger at the authorities that fired their wish to undermine prison discipline.

Disobeying warders was another problem. The number of prisoners disciplined for this infraction was 87 in 1931 going down to 80 in 1941 and to 48 in 1951. The number of reported infractions was much higher in 1931 (518) and 1941 (623) than in 1951 (285), with average daily prison population of 157, 80 and 128 over the three years. Although on average there were about 30 prisoners less daily in 1931 when compared to 1951 there were almost twice as much disciplinary proceedings in that year. If one compares the infractions of 1941 with those on 1951, one notes that the comparison showed that although on average there were fewer prisoners in 1941, more than double the number of offences occurred. This change could reflect real regime change or simply the Director trying to show a good picture in order to impress the authorities. Although there is support for the view that unremittingly hard discipline secures prison compliance (Selby, 1979:30) or that prisoners have a moral expectation of punishment (Heffernan and Kleinig, 2000: 121), there is clear evidence that a rewards culture is emerging (Flanagan et al., 1998:28) and that discipline is becoming rather less important.

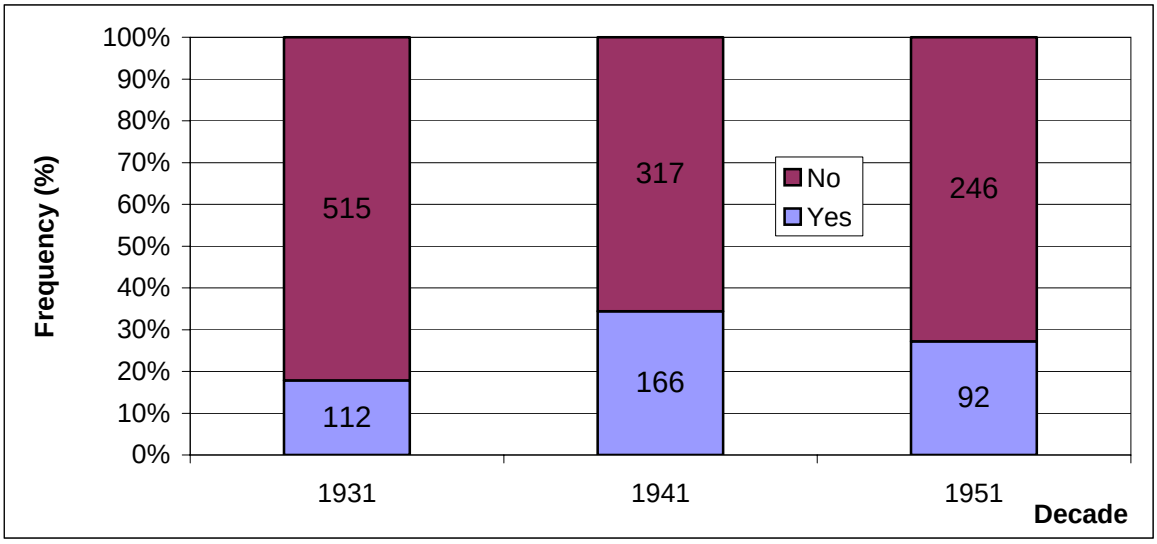
Destroying prison property and fighting were other actions that frequently landed prisoners in trouble. The numbers for 1941 were exceptionally high, 42 and 71 respectively. This could be due to the war situation with people being very tense and using physical activity to lesson their tension. Destroying prison property returns to normal with 15 cases in both 1931 and 1951 but fighting does not. While there were only 19 cases of fighting in 1931 there were 50 cases in 1951. As the daily average for 1931 was higher, one would suppose that the instances of fighting should be higher in 1931. This probably occurred due to the change in prison regime. When Lilian Barker changed the system in Aylesbury, she faced some disciplinary problems until both the warders and the prisoners adjusted (Forsythe, 1991:204). Prisoners would not stay in their assigned place. This was a grave infraction as those who left their place of work could go anywhere. There were 26 such infractions in 1931 and 17 in 1941. The amount for 1951 is not shown. A change in regime could result in higher infraction rates when compared with the previous years. This could be a consequence of resistance to change until prisoners and warders adjust to the new regime. Change disturbs people's lives and they react through resistance (Phillips and McConnell, 1996:282). The change from an institution where prisoners' actions were subject to total control to one where prisoners were allowed certain liberties was bound to have some teething problems. Warders were concerned that they were losing control over the prisoners as they were losing the power to control the prisoners' movements (Thomas, 1971:189). When the discipline regime changed the relationship between warders and prisoners also changed. Warders lost some of their power to transform prisoners into docile bodies (Foucault, 1977:294).

Stealing cheese from prison or attempting to give or receive food from other prisoners was another major infraction. This supports the Director's comments on the diet when he says that prisoners often complain about the quantity of food. Punishments given for taking oakum without permission or stealing another prisoner's work seem to indicate that there was some form of quota on the amount that prisoners had to work before being given marks. Even punishable actions by prisoners were influenced by the war. During the 1941 period prisoners were being punished because they shouted during an air raid or because they spoke about the war. They were punished for climbing to the window to wave a shirt from the cell window during an air raid, for entering another prisoner's cell during an air raid or for fighting in the cell during an air raid. This not only shows that prisoners were highly strung during bombardments probably due to a feeling of entrapment but it also shows that prisoners were sharing cells.

According to the prison rules speaking to other prisoners was one of the most frowned upon infractions. It seems that the silent regime was still in action and speaking to other prisoners was not allowed. There are instances (97, 139 and 36 in the three years) where prisoners were punished for such actions. It is clear that some prisoners were housed in the same cell during the night. In these circumstances it would have been impossible to stop the prisoners from communicating. Not communicating with others is not natural and prisoners were very inventive

in passing messages to each other. In Malta the strictness regarding silence was never much adhered too. English prisoners were sometimes punished because they gave each other newspapers. This suggests that most Maltese prisoners were probably illiterate (NAM, CCP/13). This is further supported by the data from the prison admission ledgers. In Figure 7.1**,** 82 per cent of the prisoners admitted to being illiterate in 1931, 66 per cent in 1941 and 73 per cent in 1951. This further supports Rusche and Kirchheimer (1939:5) thoughts that prisons were predominantly full of poor people and they served the needs of the state by controlling a faction of society through education and instruction, to enable them to find work according to the dictates of the state once they leave prison.

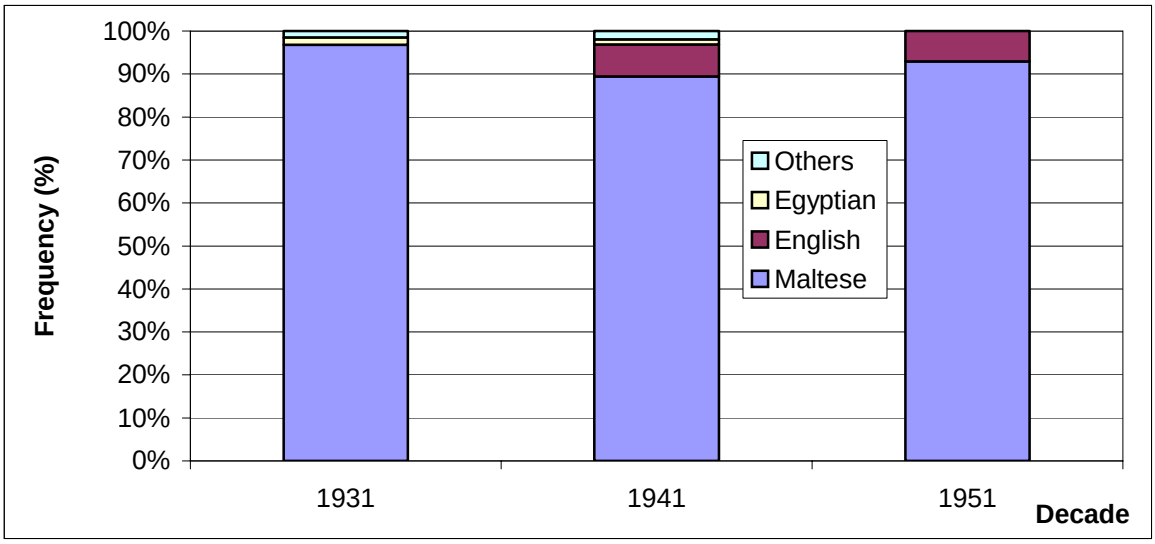
Figure 7.1: Literacy rate of prisoners in 1931, 1941 and 1951



Source: NAM, Constructed from the Prison Admission Records – 1931, 1941 and 1951

Figure 7.2 shows the nationality of the prisoners committed to Corradino during these years. Most prisoners were Maltese (97% in 1931, 89% in 1941 and 93% in 1951). Other prisoners during 1931 came from Egypt (2%) from Susa (1%), Suez (0.3%) and Bona (0.2%). In 1941 seven per cent were English, two per cent of prisoners were Egyptian while one per cent came from Tripoli and Ireland. There was a prisoner each from Algiers, Canada, Denmark and India. The Maltese tend to totally identify themselves as Europeans rather then southern Europeans, but all those who do not conform to the Maltese mentality of the European image are treated in a racist manner (Borg and Mayo, 1994:219). This attitude would have shown itself in the prison warders. It was felt during the war years when the guards did not seem to know how to deal with English prisoners. They ignored them, leading Captain Strologo to comment that the English prisoners were being discriminated against. Recent research has focused on the treatment of ethnic minorities in prisons, linking discriminatory treatment with stereotypes held by prison warders (Smith, 1994:1101).

Figure 7.2: Nationality of prisoners in 1931, 1941 and 1951



Source: NAM, Constructed from the Prison Admission Records – 1931, 1941 and 1951

When a prisoner was guilty of infringing discipline the Director could punish the prisoner either by one or a combination of sanctions. These included an admonition or forfeiture of gratuities earned in a period not exceeding two months, disqualification from the earning of gratuities up till two months, a reduction or the postponement of one's class, punishment diet for not more than three days, or/and forfeiture of marks of not more that 120 every time. An adult prisoner who refused to work could be deprived of the mattress for a period of not longer than three days (Prison Regulations, 1931:Sec.66). The total number of punishments given to prisoners was 653 in 1931, 294 in 1941, and 269 in 1951 (NAM, Blue Book, 1931, NAM, CSG/01-97/1941 and NAM, Prison Annual Report, 1949-1955:43). Punishments awarded can be seen in Table 7.2 below.

Table 7.2: Punishments given to refractory prisoners in 1931, 1941 and 1951

Punishments	**1931**	**1941**	**1951**
Admonished	71	4	69
Solitary confinement without punishment diet	249	25	20
Solitary confinement on punishment diet	272	75	128
Reduction in grade	6	6	-
Suspension of privileges	-	-	11
Postponement of promotion to higher grade	2	3	-
Loss of marks	-	82	41
Forfeiter of gratuities	49	15	-
Sentenced by the courts	-	-	1
Privilege of writing and receiving letters or visits suspended	4	-	-
Deprivation of mattress	-	84	-
TOTAL	**653**	**294**	**269**

Source: Adapted from NAM, Blue Book 1931, NAM, CSG 01 97/1941 and NAM, Annual Report 1949-1955

Most disciplinary infractions were dealt with by solitary confinement and punishment diet, with 272 such awards in 1931, 75 in 1941 and 128 in 1951. Equally, when all awards of solitary confinement are totalled (with and without punishment diet) the trend is down from 521 in 1931 to 100 in 1941 and 148 in 1951. These punishments also go down in relation to admissions, with 521 awards in relation to 639 admissions in 1931 (1:1.2) and 148 awards in relation to 338 admissions in 1951 (1:2.3). All the indications show a disinclination to use solitary confinement. Punishments were a mixture of physical and psychological pain with the various forms of solitary confinement being preferred. Duff (1996 cited in Bagaric, 2001:72), maintains that the aim of punishment is to rehabilitate offenders, by forcing them to repent, mend their ways, repair the harm done to society and finally be once again admitted in the community. Punishment also has the effect of making clear to the community what is acceptable behaviour and to comfort the victims by having a formal disapproval of the act committed against them. Duff sees the change that occurs in the individual as being profound, a change of sentiments. This might be too optimistic. Foucault (1977:170) on the other hand says that punishment, in the form of discipline, exists to train people. Discipline trains the individual to obey without thinking and to conform to the authorities. This means that any change in behaviour would be superficial. The changes will persist as long as the individual is under the regime but would quickly fade once the person is back in society. Foucault poses the more realistic arguments because if Duff's arguments were true the problem of recidivism would be solved.

If prisoners committed an offence that the Director deemed need a harsher punishment than that authorised by the regulations he would report this to the Board of Visitors. The Visitors would conduct an inquiry and could punish an offender by postponing or reducing the class of the prisoner for up to four months or take away up to 540 marks. They could put prisoners in solitary confinement on bread and water for not more than three periods of three days each, order solitary confinement on normal diet for not more that 14 days, or order solitary confinement in a punishment cell on ordinary or punishment diet for not more than three periods of three days each. The latter punishment could not be applied to female prisoners. Prisoners sentenced to solitary confinement would have only contact with prison officials, the Medical Officer, and a religious minister. The prisoner would be let out of the cell only for the time that the Medical Officer saw as absolutely necessary. This clause is similar to the one found in 1850 where the Medical Officer was given almost absolute power on the life of prisoners. Offences for which such punishment could be given were personal violence to prisoners, grossly offensive language to prisoners or prison officers, breaking the prison property, making a disturbance while undergoing punishment, any gross insubordination or misconduct and escaping or attempting to escape from prison (Prison Regulations, 1931:Sec.67-68). The Board of Visitors was called upon to give a ruling in the cases of escaped/attempted evasion of prisoners and a prisoner found in possession of unauthorised articles (NAM, CCP/09/02; NAM, CCP/09/03).

If a male prisoner attempted to commit or incite a mutiny or grievously assaulted a prison officer or inmate the Director immediately informed the Board of Visitors, who could, in addition to any punishment, order a whipping (Prison Regulations, 1931:Sec.69). During the years under study no such instance was recorded. Even when prisoners escaped they were punished by forfeiture in marks and periods of solitary confinement. During 1941 there was the escape of three prisoners while engaged in extramural activities (NAM, CSG/01-2403/1941; NAM, CSG/01-3053/1941). As the Visitors were the only persons that could order such a punishment they were probably reluctant to use it. As the Board of Visitors was made up of persons from the upper class these would have been even more reluctant to use physical punishment, as they would have interpreted it as barbaric (Garland, 1990:241). This would have had an impact on discipline as warders had now to rely on psychological pressure in order to control prisoners (Thomas, 1972:156).

If prisoners committed an action that was punishable under the criminal law, the Director could, instead of punishing them under the prison regulations, cause legal procedures to be brought against them. Irons and other mechanical restrains could not be used as punishment if not in cases where it was absolutely necessary. Prisoners could only be kept under restraint for 24 hours if there was no written order from the minister. Only the Director or the officer acting instead of him could order a punishment on a prisoner (Prison Regulations, 1931:Sec.74-78). The use of irons and the bureaucracy covering their use continues to show how people's sensibilities were being protected. It was not the use of irons as a means of reformation that was objected at but their illegitimate use (Weber, 1922).

Discipline was not only performed on inmates but also on the staff members. Being an officer or a schoolmaster did not render one immune from criticism. One such case happened during 1951 where the chief officer complained that the entries by the schoolmaster were 'as usual slipshod' (NAM, CCP/10/38). Nine reports were lodged against warders in 1931, four against females and five against males. This data is significant in itself, as there were only two female warders. There is also a difference about the types of offences committed by warders and wardresses. Wardresses were reported for neglecting their duties and stating falsehoods to the matron and assistant matron (2) and for failing to report contraventions of prison regulations by prisoners (2) (NAM, CSG/01-231/1931). Male warders were reported for failing to report for duty (1) and for failing to state the number of prisoners under their charge (4). This could indicate that female warders had a closer relationship with their prisoners probably due to the small number of female prisoners. Possibly, they tended to be more lenient, closing their eyes to certain infractions resulting in the neglect of their duties. Most warders were punished, by being deprived of turn of duties, and losing money (NAM, CCP/Officers' Misconduct Book, 1850-1985 and NAM, CCP/Staff Conduct Book No. 1).

Women prisons developed on two parallel lines. The first consisted of women's wards being developed in a larger male prison and the second that of female prisons scattered around the country. In Malta the first type was the only viable option due to the costs of having a prison for not more than ten people. With these types of prison usually the women's side suffered. They usually had lack of space for exercises and sometimes they were kept in cramped buildings. This was surely true for Malta when the women's prison was taken over during the war to serve as a school. Matrons were usually paid low wages and worked long hours. There is no mention of the matrons in Malta being paid. The matron and assistant matron were sisters of charity and like other sisters working in institutions they did not get remunerated but the convent was given a donation for their services. It is interesting to note that the prison Chaplain was paid. Women were kept under the same regulations as men, but whether the rules were applied with the same rigidity is another question (Flanagan, et al. 1998:33). Selby (1979:27) writing on Victorian women prisons says: 'It was impossible to have a no talking rule, even in a Victorian women's prison. Talking …was freely indulged in, contrary to the universal iron practice in men's prison'. Women prisoners in Malta were almost never punished. Furthermore the punishment issued to the two female warders seems to indicate a lack of discipline and more familiarity between the female prisoners and their guards than that found in the male prison. The different treatment between male and female prisoners was a result of the thinking predominant during the era. This reflected how warders treated prisoners with the authorities' blessing otherwise it would not have been possible.

In 1941, 18 reports on misconduct were lodged all against male warders. The most common misconduct was neglect of duty (7), followed by being disrespectful toward their superiors (4) and failing to give the correct number of prisoners (2). Other offences included drawing an extra ration of soup and meat from the kitchen (1), sewing a suit in the tailor's shop without permission (1), ill-treating a juvenile prisoner (1), holding idle conversation with a prisoner (1) and sleeping while on duty (1). The most common punishment was being fined (14 cases) and being severely reprimanded (4 cases) (NAM, CCP/Medical Journal 1948-1953; NAM, CCP/Staff Conduct Book No.1; NAM, CSG/01-97/1941).

In 1951, 15 warders (all males) were reported. Again the most common offence was neglect of duty (7). Other offences included uttering improper words (1) disobeying a superior's order (1) failing to inform the Chaplain that a prisoner wanted communion (1) failing to report for duty (1) trying to take vegetables from the prison field (1) permitting a prisoner to wash his handkerchief (1) conducting a search on a prisoner without disclosing the prohibited articles (1) and holding familiar conversation with prisoners (1). Only one warder was fined, while 10 were warned or admonished. Holding familiar conversation was the gravest infraction. The warder who left the keys lying around was only admonished whilst the one who spoke familiarly to a prisoner was suspended from work for two months without pay, placed on the bottom of the seniority list of

the temporary warders, and should he repeat the same offence he would be dismissed (NAM, CCP/Medical Journal 1948-1953 and NAM, CCP/Staff Conduct Book No. 1).

Warders and prisoners came from a similar social background. They could not become friends, because warders had to keep the prisoner inside and the prisoner would like nothing better than to leave, but they could develop an understanding whereby warders closed one eye or helped in the smuggling of objects to or from the prison. This seemed to have occurred, otherwise it would have been very difficult for prisoners to be able to smuggle cigarettes and other objects such as food inside the prison. Phelan (1948 cited in Forsythe, 1991:205) maintained that prisoners sought to avoid openly challenging the warders, but they developed a system through which apparently they were co-operating but were doing their utmost to manipulate the prison regime. They developed a system where they knew how far they could go before a warder would report them. It is therefore easy to envisage that a new warder would be put to test. This probably explains why the warder who spoke with the prisoners freely was so severely punished, not because the infraction was worse than that of the warder who left the keys running about, but because the warder had to be shown that if he let prisoners take so much freedom they would soon be in charge of the whole system. Phelan also maintains that in prison there was a strong culture, hidden from the staff, dedicated to teach crime and defiance and also to procure sex, nicotine, food and other objects. Experienced prisoners, who knew how the system worked, could manipulate it to get what they wanted. Marx (1893:249) would explain the complicity between warders and prisoners as the joining of the lower class against the elite. Warden's loyalty was divided between the prisoners with whom they had a lot in common and the prison regime they served (Pratt, 2002:128). A more probable explanation is that warders either wanted to make some money or by aiding smuggling, they guaranteed that prisoners behaved themselves.

Diet

Alcohol and tobacco consumption were prohibited. Alcohol was allowed only when prescribed by the Medical Officer or as a privilege. The prison diet was stipulated in dietary schedules issued from time to time. In 1931 prison regulations established the food to be given to prisoners as shown in Appendix H**.** Adult male prisoners' diet was different for the first month of imprisonment and after. During the first month they would be given 20 oz. of bread daily and ½ ounce coffee, with the exception to those sentenced to detention who were not given coffee. On Sundays they were given rice or pasta, vegetables and beef or pork. For the rest of the week they were given salt fish, olives or cheese. During the second month adult males were given 30 ounces of bread, rice or pasta, vegetables coffee and tea daily excepting those under detention who were not given tea. Persons awaiting trial, criminal debtors, female prisoners and juvenile prisoners were given the same food as an adult male after the second month of imprisonment but only 20 ounces of bread. Diet punishment would consist of only 20 ounces of bread. This punishment could not

be given for longer than three days. The diet of the Maltese during this era consisted mainly of potatoes or pasta. The well off ate a variety of foods including macaroni, meat and good wine, having adopted an Italian diet, but the poor would do their utmost to get meat. It was only in the 1950s that the Maltese started eating a variety of English and Italian food (Cassar, 1988:102). In general the prison diet was at least as good as the diet a prisoner could expect outside prison. Prisoners under medical diet were treated to a mixture of coffee or tea, bread, pasta or rice and beans. Sometimes eggs were added to the diet.

The dietary tables were still extremely precise in 1931. The scientific method was very important in order to bring about the reform of prisoners (Garland, 1991:185) according to the change in thinking. Food also became part of the disciplinary machine, with more food being given the more time one spent in prison. The diet was modelled to demonstrate retribution and punishment in the first months but then changing to reflect reform by increasing rewards in the following years (McConville, 1995:136 and Pratt, 2002:61).

Prisoners could ask for their rations to be weighed if they suspected that they were being given less food than allowed. In these instances the food would be weighed in front of them in the presence of an officer detailed for this duty. If a prisoner repeatedly complained, with the intention of causing trouble, this could be treated as a breach in discipline. Extra or different rations of food were not to be given unless ordered by the Medical Officer or under special rules (Prison Regulations, 1931:Sec.22-23). The cook was also a warder and when he was not performing kitchen duties he was to perform the duties of a warder. As special responsibilities he had the kitchen under his supervision and he had to keep the scullery and the kitchen utensils clean (Prison Regulations, 1931:Sec.367-370). There was a lot of weighing to be done. This was a part of the ritual to be seen as fair. This was important as food was a point of contention with prisoners. Some complained that it was not good, others that they were given less than their ration and so on. Ritual made part of prison life – a legacy from the previous era under study – including isolation punctuated by work and alternating with meals, prayers and sleep. The prisoner had the same routine over and over again and was gradually disciplined to conform to prison life (Foucault, 1977:236-244).

Parliament also debated whether there should be a change in the prison diet, but as the Director maintained that it was more than adequate and as complaints being received were on the quantity of the food not the quality, nothing was done about it (NAM, CSG/01-3816/1941). The cost of the food for prisoners was 1s 2d per day as estimated on the 1st November 1941. This cost on the open market would be of 2 shillings. While the cost of feeding an internee was 2s and 2.3/4d. The cost on the open market was not possible to estimate as they were fed on food found in the army (NAM, CSG/01-3938/41). The cost of food was actually high when compared to the earnings of the Maltese populations. Until the end of the First World War an average earning of 1s

per day was common (Clare, 1988:147). Ten years later this could not have risen much. The internees protested about the poor state of the food in their writings, perhaps because they came from the well off sector of the Maltese society and were used to better food than the average prisoner. Gauci (1996:19) compared the soup to boiled water without any taste. Internees were later allowed to go to the kitchen and cook for themselves and their friends. This shows the different in treatment reserved for the upper sections in society, possibly confirming the Marxist perspective. Rusche (1933:12) maintains that to have a prison run under the conditions that the poor people experience would be to have a non-humane prison. Although prisoners had more comfort that the poorest section of society they were surely not treated as the upper class. This reasoning might have induced the people in charge of the internees to allow them to cook for themselves.

After an investigation of the Maltese prisons due to the complaints of English prisoners held in Corradino, the vice admiral wrote a report on the Maltese prisons maintaining that the food was poor and unappetising, while the diet was unsuitable (PRO, ADM 178/355B). The quality and quantity of prisoners' food was important because it helped to maintain discipline and control. The lack of food sparked a riot in Portland (England) in 1861 (Ignatieff, 1978:203). Although Malta was starving during the war the Director did not want to modify the diet. This might have been dictated by a commitment to the change in thinking and maybe to the people's sensibilities, as it would have been constructed as brutal to starve people who could not fend for themselves, the most likely motivation was to keep prisoners happy and avoid riots.

The medical doctor could modify the prisoners' diets if they were ill. For breakfast he could give coffee, milk or rusks. For dinner he could combine one of the three types of soup i.e. medical diet, consommé of chicken broth, beefsteak, eggs and bread. For supper ill persons could take eggs and salad. It was possible for the doctor to order other things but this was never done during 1931 (NAM, CCP/Medical Diet Book 1930-1933). Probably the doctor would have been reluctant to cause any unnecessary inconvenience to the prison authorities. In 1941 the situation was different. The Medical Officer used to give additional rations, the most common being cheese. He could also substitute food, usually rice instead of pasta, tea instead of coffee, and ordinary soup instead of rice. This was probably rendered necessary because of the food situation in Malta. On the 20th May 1941 the Medical Officer wrote that meat was not being supplied on time for the medical diets (NAM, CCP/Medical Journal 1941-1945). Problems with the food abound during the war years. The Maltese islands were starving and it is no surprise that the problems were also felt in prison. Some were real problems, others were a method for the prisoners to gain something extra to eat. A women prisoner complained that she was ill, but she refused to have the Medical Officer visit her with the excuse of not trusting him. The doctor commented that this was only an excuse as she wanted to eat '*minestra*' eggs and milk and did not want to be put on a medical diet because she knew that he would order her broth and salad (NAM, CCP/Medical Journal, 1941-

1945, 27/05/41). In December 1941 with eggs being scarce in Malta, the prison doctor was requested to find an alternative in the diet for eggs. He recommended that cheese and salmon should be used instead (NAM, CCP/Medical Journal, 1941-1945, 19/12/41). The modification of the diet by the medical doctor shows a commitment to discipline and a change in thinking. The doctor was bound by the regulations on how he could increase or modify the diet. He was not given a free hand in case diet modifications would bring about a collapse in discipline but it also shows an increase in sensibilities. Prisoners were allowed different food if their health so required as long as this food was available according to the regulations.

In 1951, the prisoners had a variety of foods available. There was pasta, rice, barley or porridge, beef, pork, mutton or fish (salmon, cod, or anchovy), eggs, beans, peas, vegetable and cheese, as well as bread, tomato paste, lard and margarine. Prisoners were also given tea and coffee with sugar and milk (sweetened, unsweetened or powdered). Although this menu looked appetising the prisoner could not choose the food and complaints were forthcoming (NAM, CCP/Victual Book 1951). The Board of Visitors on the 20th of February 1951 heard a case about the meat served on the 15th February not being fit for consumption due to large amounts of fat present (NAM, CCP/09 03/1951). In this instance the Medical Officer said that he had ordered the substitution of the meat. In the medical journal the entry for the day reads 'nothing to report'. There is an entry on the 22nd February where the Medical Officer recommended that an extra ounce of corned beef should be added as the meat contained more that 50 per cent fat. These entries show that in all probability the Medical Officer did not do anything about the meat on the 15th February but once he realised that he could be held responsible he decided to act. The prisoner could not have confused the dates as the Board of Visitors met before the incident of the 22nd February (NAM, CCP/Medical Journal 1948-1953, 15-22/02/1951). The type of meat supplied for the prison seemed to be of inferior quality. The butchers probably used to supply meat not already sold to make a profit on the waste. In the pre-war and the war years the prisoners' food was probably better than the food of the Maltese society in general, but in the post war years (where the diet of the Maltese was considerably improved) the prison diet was probably worse than that outside the prison. The diet of 1951 was extremely varied and this supports the second hypothesis, the dual effect of a change in thinking and in people's sensibilities. After the war the Maltese population had a variety of food that they had not dreamed of before. To allow prisoners to be fed with the meagre diet of twenty years before would have probably caused some people to protest on the prisoners' behalf. Additionally, if prisoners were used to a certain type of food and they entered prison and found a diet that was much worse than they were used to, prisoners would have been more difficult to control. With the change in the prison regime and discipline, with prisoners being allowed to communicate with each other and allowed certain privileges, the authorities had to be careful and keep prisoners content in order to avoid riot and insurrection (Thomas, 1972:131).

On the 12th March 1951 there were complaints about tinned milk (NAM, CCP/Medical Journal 1948-1953). Prisoners were also complaining about the mutton broth. The Medical Officer maintained that most prisoners were throwing it away. There does not seem to have been any action on this issue (NAM, CCP/Medical Journal 1948-1953, 28/05/51). On the 11th June 1951 and again on the 14th June there were no vegetables available for '*minestra*' and salad (NAM, CCP/Medical Journal 1948-1953). Prior to 1951 only the internees had protested about the food but after the war prisoners' complaints to the Visitors on the poor quality of the food abounded. The actions by the prisoners continue to point to the fact that the situation in society had changed, with more and more varied food being available even to the poor. The lack of previous complaints was probably due to the prison discipline regime, where prisoners' actions were under the total control of the prison authorities and could not be challenged (Foucault, 1977:122). With the change in thinking this attitude was relaxed leading to complaints and prisoners demanding their rights. Although they were usually unsuccessful this development points to a significant change in prison life.

Work

Most of the day was occupied by work. Prisoners worked either in their cells, in the prison workshops, in other sections of the prisons or on the outside. Work on the outside usually consisted of work in the fields or cleaning duties with the police. All prisoners with the exception of long-sentenced prisoners of the upper grade spent some time working in their cells. Prisoners were not allowed to make use of their bed when they were working in their cells (Prison Regulations, 1931:Sec.26). Prisoners could not be employed to work for another prisoner or for a prison officer but they could be employed in teaching other prisoners trades under the supervision of an officer. Prisoners not sentenced to hard labour could not demand to be given work. Prisoners were employed in the prison or in the adjacent grounds to perform such work as was determined by the Director. The longer a prisoner had been in prison the more he was allowed contact with other prisoners. This was in line with the new thinking about prisons where only the first months were considered to be devoted to retribution while the rest of the sentence would be devoted to reform (McConville, 1995:136). The hours of work to be performed by prisoners used to hang in a prominent place in the prison. The table read:

TASK LABOUR
(To be carried out daily).
Sunday and holidays excepted.
WORKING HOURS

Summer	*Winter*
From 0715 to 1045 hrs	From 0745 to 1115 hrs.
From 1415 to 1900 hrs.*	From 1315 to 1830 hrs.*

* With the exception of Upper Grade who cease work at 1715 (summer) and 1615 (winter)

There were two types of hard labour, called first class and second class hard labour. In first class hard labour prisoners were given tasks such as oakum picking, hard stone breaking, stone cutting and digging earth. In the second category prisoners were given lighter work such as tailoring, shoemaking, carpentry, bookbinding, cooking and window cleaning. In 1941 the prisoners were employed in the usual trades but lack of raw materials sometimes made work impossible. Bread was provided for all government medical institutions by the prison bakery, as was all the binding of counterfoil and licence books. Clothing and shoes for the prisoners were also made in prison. All prisoners with the exception of those under arrest were forced to work. Detention prisoners were also made to work unless they provided their own food (NAM, CSG/01-97/1941). In 1951 the bookbinding industry employed most prisoners (about 20), while the bakery only employed 7 prisoners.

Prisoners used to make all staff and prisoners' uniforms including underwear and footwear. Those working in the fields would grow vegetables, potatoes, green barley, clover, and hay (NAM, CCP/Prison Annual Report 1949-1955:38). The type of work available to prisoners was menial work. Prisoners used to supply other institutions with bread and clothing. This was an attempt to use prison labour to see to the needs of the state. The prison was not used as a training ground for labourers as Rusche and Kirchheimer (1939) maintain but prisoners' labour was used to furnish institutions with their needs. This had the dual function of zero cost labour and of keeping prisoners occupied. All women were employed in domestic work (NAM, CCP/Prison Annual Report 1949-1955:36-37). Women prisoners have always been under-represented in prison and this has led them to being treated differently to males (Heidensohn, 1994:1019). Zedner (1994:1020) maintains that if society looks at the historical development of women prisons it would see women as being subject to different regimes than those of men. The regimes were 'benevolent repressive regimes … which emphasize[d] dependency and tradition femininity and fail[ed] to provide the skills which could rehabilitate'. Women were trained to become good housewives or servants. During the 1920s the most popular job for women was that of teachers or shop assistants and by the mid-1940s women were being employed in the government service. however until the late 1960s in Malta it was still believed that a woman's place was at home (Cassar, 1988:97). Women and juvenile prisoners sentenced to hard labour were only given labour that was suitable for them and never worked outside prison.

Prisoners not certified by the Medical Officer as fit to perform hard labour and those on punished diet were not allowed to work (Prison Regulation, 1931:Sec.38-41). There was no hard labour by use of the treadmill, crank or shot drill (NAM, Blue Book, 1931). In the prison annual report (1949-1955:11) the Director wrote that there was no difference in the work given to persons condemned to imprisonment only and those condemned to imprisonment with hard labour. The only distinction was a legal one, that is the latter could not refuse to work and the former worked only if they wished to. All those who worked earned gratuities. Work was seen as an important

component in the reformation of prisons rather than the useless but deterrent quality of the crank or treadmill. When the chief justice visited the prison with the Consul for Italy he requested to see the prisoners at work (NAM, CCP/Administration circulars, 02/09/31).

On Sundays prisoners only performed the necessary work for the functioning of the prison. Non Roman Catholic prisoners were not forced to work on their day of worship. The governor could force any prisoner condemned to hard labour to work outside prison. As a rule prisoners were not employed outside the prison walls, but some well-behaved prisoners could be sent (under supervision of a warder), to work the fields adjacent to the prison. Any money received through this labour was entered into the colonial treasury (NAM, Blue Book, 1931). About seven prisoners were sent each day except Sundays and public holidays to the police depot to perform fatigue duties (NAM, CSG/01-75/1932). This is the only department where prisoners were sent regularly to work. This highlights the close collaboration between the prison and the police service. Prisoners might have been sent to the police depot because of the police lock-up, it being seen as acceptable for prisoners to clean the cells where persons who were being investigated were kept. By 1951 more prisoners were sent to work on the outside. On the 27th July to collect soil from Marsa, and on the 27th November to work in the government refuse centre (NAM, CCP/Director's Journal 1951).

Labour was important in prison as idleness was seen as a cause of crime. Work could also usefully augment the prison budget (Foucault, 1977:122). Hard labour in its classical form helped to discipline the body through repetitive and often useless action (Foucault, 1977:164). Rusche (1933:3) maintained that prison labour is directly related to the labour market. When the labour market needs more workers, imprisonment is used less. In Malta one can see another consequence on labours vis-à-vis the need of the state when during the war the prison bakery was used to experiment with different types of bread.

Prisoners condemned for more than six months hard labour could be allowed to earn gratuities. For the first six months they would earn 3d and 2d per week respectively for males and females, for the second six months 4d and 2d per week respectively for males and females and for any other period 6d and 5d per week respectively for males and females. This difference in pay is reflected in the difference in pay earned by men and women in Malta. Even as late as 1952 the Malta Arbitration Tribunal only granted equal pay for equal work to those women who did not carry any family duties (Camilleri, 1997:15). Women were treated more leniently in prison but this also had the undesirable effect of them not being given the same amount of gratuities. Gratuities would be paid on release if they did not exceed 30 shillings. If the prisoner had earned more, monthly instalments of 15 shilling would be paid. In these cases the prisoner might be asked to produce a good conduct certificate by the police. This was a kind of parole where the prisoner's earnings would be held to increase the likelihood of good behaviour. When Patterson (1948)

recommended the introduction of parole and probation in Malta he must have seen the rudiments already in place. Prisoners undergoing a life sentence could also earn gratuities which they could distribute in their will to their heirs (Prison Regulations, 1931:Sec.42-48). During 1931 two prisoners requested and were granted that the whole sum earned be given to them, one to allow him to pay a fine so that he could leave prison (NAM, CSG/01-506/1931) and the other to enable him to purchase equipment (NAM, CSG/01-556/1931). The incremental payment of gratuities demonstrates that the prison authorities did not want the reform of prisoners to stop in prison. The major flaw in this thinking is that only long-sentenced prisoners earned gratuities so the petty criminal who continued to enter and exit prison was not helped by this scheme.

When prisoners were working, warders had them in their charge, both to see that the work was done and to guard them. Some warders were in charge of workshops. They had to search all prisoners employed in their workshop whenever they left. If they found a prohibited article the prisoner had to be reported immediately to the chief officer. The warders were responsible for the work done in their workshop. They had to see that the prisoners were occupied, the work performed was good, the tools were kept in good order and the prisoners refrained from unnecessary speech. They had to prepare estimates and demand the material needed from the stores. Illiterate warders had to ask for the warder clerk's assistance, but they were held responsible for any entry in the register. They had to submit monthly reports on each prisoner delineating the progress made in the acquisition of a trade and on any prisoners who were lazy or careless. The latter cases had to be reported to the chief officer. On a weekly basis the warders in charge of workshop had to check with their inventory all their tools, reporting to the store officer any damaged or missing tools (Prison Regulations, 1931:Sec.376-383). There was almost certainly a substantial shortfall in written reports because of the high rate of illiteracy in warders.

During the 1930s in England there was an attempt to introduce industrial training (Forsythe, 1991:185). This was reflected in the Maltese prison regulations as the roles of the various trade warders are delineated. The idea behind industrial training was to modify the tendency of young recidivist offenders by teaching them a trade and helping them re-enter society once their prison sentence was over. This was a product of a change in thinking but Rusche and Kirchheimer (1939:5) would also have stated that was a move by the state to train its labour force according to its needs. The work was performed under the vigilance of the trade warders and it earned money for the prison. The total annual cost for running the prison in 1931 was £12,368. 10.10 (NAM, Blue Book, 1931) rising to £15,379.14.2 in 1941 (NAM, CSG/01 97/1941) and 23,260.12.2 in 1951(NAM, CCP/Prison Annual Report, 1949-1955:51). Total earning from prison produce in 1931 was £6,008.12.9 divided as shown in Table 7.3 – offsetting 50% of the costs of running the prison. Most of the earning came from the sale of bread (£4,638 5s 4d) and bookbinding (£352 3s 8d). Field labour also produced money for the prison (£182 11s 3d) as did the various other industries such as shoemaking, mat making and so on. These amounts do not

include the money that the prison did not spend for the buying of the objects that it needed. Therefore the actual amount saved would have been much greater.

Table 7.3: Remunerative work in 1931

Remunerative Labour	**£**	**s**	**d**
Sale of prison manufactures	835	12	4
Sale of produce of lands	182	11	3
Book binding	352	3	8
Sale of bread	4,638	5	6
Total	**6,008**	**12**	**9**

Source: NAM, CSG 01-75/1932

The prison bakery in 1931 produced 430,164 rotoli of bread, out of which 2,154 were black bread. The net profit for the year from bread was £202.14.10. The prison supplied the poor house, the central civic hospital, the orphan asylum and the Salvatore reformatory with bread. The general quality of the bread was good and when the flour was found to be of inferior quality it was returned to the suppliers (NAM, CSG/01-75/1932). The prison supplied the government departments with bread. This was a way of providing useful labour for prisoners and of reducing costs.

The making of bread for other institutions was the major money making produce. The warder baker had to keep the stores officer informed of the stock of existing flour and had to receive from the store officer the daily amount of flour required for baking bread making sure that each item was weighed in his presence. He had to see that prisoners working in the bakery were clean. The rules specified that prisoners working in the bakery had to wear aprons and that 'none but exceptionally clean prisoners should be allowed to handle dough etc' (Prison Regulations, 1931:Sec.373). He had also to see that the kneading boxes were kept clean and that they were washed and scrubbed daily before leaving work at six in the evening. He, like the cook warder, had to keep strict discipline and prevent the prisoners from unnecessary conversation (Prison Regulations, 1931:Sec.371-375).

The bakery of Corradino prison was used during the war to experiment with the substitution of potatoes instead of wheat to produce bread. The bread would have 25 per cent of its wheat content substituted by potato flour. The master baker was requested to go round the Maltese islands teaching the new system of making bread to the local bakers (NAM, CSG/01-2852/1941). This is an interesting point because expertise found in the local prison was used to help the general population. The prison bakery could afford to experiment with various substitutes for flour as the manpower was always available and prisoners had to eat the bread that was available. It was probably one of the best places to experiment as it would have been financially impossible for a local baker. The local bakers did not mind learning from the prison baker and it seems that he was held in high esteem.

Governance

The Board of Visitors was composed of not less than six members appointed annually by the governor. Four of them would form a quorum and they would choose their own chairman. The board would meet at least once a month advising the Director of their visit. The Visitors, accompanied by the Director and the chief officer, would inspect the prison. The minutes of the meeting were kept in the minute book that was to be kept in prison. If a prisoner wanted to lodge a complaint he/she would be taken to the Director's office. The Visitors were obliged to take note of all complaints and if necessary to make inquiries on the complaint (Prison Regulations, 1931:Sec.194-197). Ganado (1977:255) wrote about the farce of the board of visitor's visiting the prison. He said that the experience in prison taught him a lesson for the future when he was put on the board in the 1950s. His impression is that they were just figure heads who were not interested in the plight of prisoners. Although this is the experience in the internment camp the Visitors seem to have made the round of this prison as well. Their attitude could not have changed much for one section of the prison to the other (Prison Regulations, 1931:Sec.194-204). The Visitors were the watchdogs of how prisoners were treated. As they did not work in prison it was supposed that they would be impartial (Thomas, 1972:24). Although changing sensibilities led to the introduction of the Board of Visitors, it is not clear that in practice they operated as real guardians of prisoners' rights. The role of the Visitors as guardians of punishment shows a move by the legislator to introduce due process in prison punishment (Vagg, 1996:137). This was the result of a change in thinking not only with regards to discipline and treatment of prisoners but also with regards of how guilt was established in the case of grave infractions. The prohibition of the use of irons and other physical restraints as punishment continues to stress the changes that occurred in the people's sensibilities with regards to physical punishment.

The Board of Visitors in 1931 was composed of the professor of forensic medicine and the professor of mental disease as ex officio members. During this year the composition of the board included medical doctors, lawyers and other professionals (NAM, CCP/09/2). In England a member of the prison commission was always a medical person (Forsythe, 1991:153). Although this is not the same as the prison visitor's board it was there to scrutinise the working of the prisons. There was also the visiting committee of justices, which is more similar to the Maltese Board of Visitors as they had the function of listening to complaints and allegation of abuses (Thomas, 1972:24). All these boards had one thing in common, they were made up of people coming from the upper or middle classes, judging complaints of prisoners coming from the lower classes against the prison authorities which came from the upper classes. Weber (1922:263) wrote that part of the class struggle is always that of one group protecting itself against another. This is partly confirmed by the Visitors who did not want to create any trouble for the prison authorities and seemed to accommodate them in their actions. The Visitors did not refer complaints on

prisoners thereby insulating people like themselves from various allegations and also serving the needs of the state.

The Board of Visitors met 11 times during 1931(NAM, CCP/10/15). Every time a meeting was called the Medical Officer, the Chaplain and the chief officer had to be advised. Some five members of the board usually met on the same day for the visit (NAM, CCP/09/2). The lack of attendance from board members is evidence that most members did not take their role seriously with work always being done by the same members. Those members of the board were sympathetic to the welfare of the prisoners having endorsed the change in thinking and being convinced that their presence would help in reforming prisoners.

As an indication of its work, on the 19th February 1931 the Board met with six members present. They inspected all the premises and prison inmates and found everything in order. The cells, bedding, workshops, barbershop, bakery and kitchen were found to be clean. The prisoners' health was good and the discipline was upheld. The food given to the prisoners was good and the bread of 'special good quality'. This comment continues to add weight to the exceptional good quality of the bread. For each subsequent visit, surprise or otherwise, the board never found anything to complain about. During this meeting they dealt with two complaints from prisoners. The Board did not investigate any complaints but always referred them to the Director or Medical Officer a dangerous practice especially as the doctor was ready to minimise all complaints. This fact did not escape Paterson, in his report about the Maltese prisons he wrote that:

> The Doctor's only claim to efficiency was that by now 'he knew all the prisoners' tricks', and whether prisoners lived or died, he was content so long as he had made malingering a shade more risky (PRO, ADM 178/355B, 01/09/44:1).

On the 29th July the chairman conducted a surprise visit to the prison. He found everything in good order (NAM, CCP/09/2). These types of visits show the reality. The prison was probably well kept although by 1944 the prison had a problem with lice and various bugs (PRO, ADM 178/355B). On the 4th September the prison received a visit from two distinguished persons – the Chief Justice (Sir Arturo Mercieca) and his Italian counterpart (Dottore Silenzi) (NAM, CCP/10/15). Sir Mercieca wrote that he found everything well maintained but that he thought that the baths in the male divisions should be improved. The Maltese prisons impressed Silenzi. He wrote that the Maltese prisons were the most civilized in the world. On the 18th September the Lieutenant Governor Sir Henry Luke visited the prison. He was happy with what he saw but wrote that the baths might be increased (NAM, CCP/09/2). On the 19th October there was a visit from Sir David Campbell, the Governor and Captain H. Gatt (NAM, CCP/10/15). In the visitor's book Sir Campbell writes 'I have just been round the prison and was very much impressed with all I saw. It is a very well run and organised institution'. While Dottore Silenzi might have been paying a compliment to the prison, it is not to suppose that the Governor or the Chief Justice would have had any problems criticising the prison had they seen that things were not up to standard. The fact that

these distinguished guests felt that the prison was well kept shows that the prison had genuinely embraced the change in thinking. It also shows that it was respecting the people's sensibilities. The two comments about the male baths and the lack of protests about the baths to the Visitors from prisoners show that the distinguished visitors saw the baths in a bad state while the prisoners did not. This confirms the point maid by Elias (1939: 276) that the sensibilities of the upper classes are first developed and these are gradually passed on to the other groups of society.

During 1941 the Board of Visitors, according to the Visitors' journal, met only three times as a board (NAM, CCP/09/2). The Director's journal showed eleven visits, a surprise visit and two inquiries held by one or two Visitors on escaped prisoners (NAM, CCP/10/27). This discrepancy might be justified if the Visitors visited the prison but did not make any entrance in the visitor's book. It seems that the recording of the Visitors during this period was slack. This was probably due to the war. The Visitors would rush in, hold the meeting and rush out well aware that there was no shelter and that in case of an air raid they would remain unprotected.

During 1941, there were numerous complaints about the doctor but the board does not investigate his actions even though some of the board members were doctors. Possibly the doctors were unwilling to investigate a colleague, or possibly the middle-class members were unwilling to investigate a person of similar standing. The actions of the Visitors are similar to those of ten years previously. They saw their role as a go-between the prisoners and the prison authorities rather than defenders of prisoners or their advocates. They referred all complaints to the authorities which might explain the low number of complaints as the prisoners would quickly realise that nothing would be done.

There is some evidence that the Visitors concerned themselves with the changing sensibilities of the upper class (Elias, 1939). The chairman of the board of visitor inquired why prisoners were not given toothpaste, daily newspapers and were not sent to hospital (NAM, CSG/01-4715/1941). These queries had already cropped up in parliament and he received the same answer. Those who requested toothpaste were supplied with it but the majority of prisoners did not make such requests. The supplying of toothpaste to prisoners was new even for England. Warders thought this aspect of prison life humorous, showing that people were not used to washing their teeth (Forsythe, 1991:205). Maltese newspapers if made available would only create excitement, as most Maltese prisoners could not read (NAM, CSG/01-4715/1941). In 1932 Paterson suggested that a weekly newspaper be issued to prisoners. This included articles on political and industrial developments (Forsythe, 1991:179).

There were seven members of the board in 1951 composed of six men and for the first time a woman. She had the duty to see to the needs of female prisoners. The Visitors held nine board meeting and made five surprise visits during the year. The working of this board is similar to the previous boards with the exception that some of the members tried to help prisoners but in a

personal capacity not as board members (NAM, CCP/09/03). The Visitors also had a role to issue punishments for grave infractions. The double role (keeping order and meeting prisoners' needs) was a source of some strain. Although these two roles do not necessarily conflict it is improbable that the prisoners saw them as their friends. Prisoners probably saw them as another aspect of the disciplinary machine (Foucault, 1977) to mould them according to the dictates of the state (Rusche and Kirchheimer, 1939).

The Director, as head of the prison, was to reside in the prison and could only absent himself for the night with the permission of the minister. When the Director was absent the chief officer would take his place. When the Director asked for six days vacation leave under Article 228 of the prison regulations, Mr Antonio Sances, chief officer, was appointed to act as Director (NAM, CSG/01-566/1931). The Director was in charge of the running of the prison. He has the power to discipline officers for disobedience, neglect of duty, slackness in their duty, not being punctual, using obscene or bad language, leaving a cell door open, insubordination, being absent without leave, unbecoming conduct, introducing prohibited articles, ill-treating a prisoner and any breach in the regulations. The Director could discipline these offences by a fine of not more than 10 shillings, admonition or in grave circumstances by dismissal. Actions that could lead to dismissal included holding conversation with prisoners, trafficking in prohibited objects, employing prisoners to work for other prisoners, gross insubordination, and neglect of duty or carelessness. In these cases the Director would immediately make a report to the minister. Discipline of warders could lead to tension in the prison. The warders were poorly paid, there pay being less than that of a police constable. When the Director punished warders by a fine they must have felt cheated from part of their pay. This was certainly the case in England in the Ruggles-Brise period, during which warders were over-worked and under-paid, and when warders were punished without having sufficient opportunity to defend themselves (Forsythe, 1991:138). Warders were treated as harshly as prisoners. They had a number of rules to observe and breaking them meant disciplinary actions. Rusche and Kirchheimer (1939:5) would observe that this was another method of forging the lower-class according to the needs of the state.

The Director had to attend mass on Sundays and mass days at the chapel. He was to see that all officers attended unless prevented from doing so due to illness or another reasonable cause. He also had to inspect the prison daily and conduct a surprise visit at least once every two weeks during the night and record this inspection in his journal (Prison Regulations, 1931:Sec.227-235). The Director's role is one of control. He was made to go to church to see what was happening and he visited the various sectors of the prison for the same reason. The Director does not seem to be the person that warders would go to if they needed help or had a problem. As Foucault (1977:145) wrote discipline is defined according to the place one occupies. Therefore the Director disciplined the warders and they disciplined the prisoners. What is important is not who the person is but the rank that person occupies in the hierarchy. The Director could be disciplined either by the board or

by the government. As has been shown this never occurred, the Marxist perspective would say because all came from the same social class and each protected their own.

The Director was in charge of security and when a prisoner escaped it was his duty to organise his/her capture. The enforcing of cleanliness was also part of his duties. He had to see that both the prison and the prisoners were kept clean. If a prisoner seemed to need medical or spiritual assistance he was to inform the Medical Officer or the Chaplain as required. The Director has the functions of maintaining discipline, keeping the prison secure and keeping it clean. All the three functions have a disciplinary component, although cleanliness is usually masked as catering to the people's needs. In reality all three show power over prisoners, power that was translated into discipline (Foucault, 1977:206).

The Director had to keep a daily journal, a punishment book, an order book, a visitor's minute book, a book for ordinary Visitors and an inspection book. The Director had also to make an annual report to the minister. Bureaucracy was still a very important component of prison life. It not only legitimised prison authority (Weber, 1922:68) it also emphasised the 19th century preoccupation with discipline and order. The management system was strictly hierarchical and regimental with warders supervising prisoners and they being supervised in turn (Phillips and McConnell, 1996:5). Although the role of the Director was primarily that of enforcing discipline during 1951 he also started to take a role in the reform of prisoners (NAM, CCP/Prison Annual Report, 1951:35). This was a direct consequence of the adoption of the British role given to its prison governors – they were encouraged to run 'every prison as a reformatory' (Thomas, 1972:137).

Welfare

The Medical Officer was to reside in the vicinity of the prison. His duties were to support the Director in maintaining discipline and to visit the prison at least daily to assess the general state of the prison sanitation and the health of the prison. The Medical Officer had to visit all the prisoners complaining of illnesses at the infirmary and assess their fitness to perform hard labour and those under punishment. Once a month he was also to inspect every part of the prison and record the findings in the inspection book. The Medical Officer was also to keep a record of all inspections and visits that he performed and the action recommended (Prison Regulations, 1931:Sec.257-266). In England during the DuCane's era the Medical Officer's role was restricted to the inspection of food and general sanitation of the prison as well as to attend sick prisoners (Forsythe, 1991:153). This is by large the role given to the Medical Officer by these regulations, but he also had a role in maintaining discipline. As part of the overall 'process of discipline, surveillance, individualisation and normalisation (Sim, 1990:9) he used his role to help in the smooth running of the prison. In the beginning of the 20th century there was a change in thinking due mainly to the emergence of the fields of psychology and other social sciences. This

development occurred in Malta, after the Second World War with the Medical Officer being sent to England to specialise in psychiatry.

The Medical Officer had to examine every prisoner on admission and before the prisoner was brought into contact with other prisoners (Prison Regulations, 1931:Sec.10-14). The Medical Officer was also to inspect the clothing and bedding of the prisoners as well as to see to the general welfare of the prisoners (Prison Regulations, 1931:Sec.259). According to Captain Strologo the prison clothes and footwear were inadequate as were the eating utensils. This shortage was admitted and excused because of the war (PRO, ADM 178/355B). The role of the medical doctor was to maintain sanitation in prison. Ignatieff (1978:100) writes that when hygiene was introduced in prison it was sold to the authorities as a method of further punishing and disciplining prisoners. The change in thinking that occurred in certain illuminated minds did not occur in everyone's mind therefore a subterfuge had to be used to convince them. Elias (1939:276) would have further added that the increasing sensibilities of a sector would later influence the whole of society to accept the new innovations.

The doctor had to report anything, which he suspected, would adversely affect the prisoners' health. If the Medical Officer suspected that a prisoner's mental state was deteriorating he would advice the Director so that he could inform the Visitors. In this report he had also to advice the Director if he needed a specialist to see the case. If a disciplinary punishment was likely to or was affecting the prisoner's health he had to report in writing to the Director with his recommendations on the case. In two cases the Medical Officer felt that the punishment would adversely affect the prisoner's health and the punishment was modified accordingly (NAM, CCP/Medical Officer Annual Report, 1931; NAM, CSG/01-75/1932). He was also to advise the prison Chaplain and any other person who could help the prisoner. When a sick prisoner was in danger of dying he had to tell both the Chaplain and the Director. When a prisoner died the Medical Officer had to record the details in the death's register. In cases of contagious or mental diseases the Medical Officer had to separate the sick prisoners from the other prisoners and take all the necessary precautions to contain the disease (Prison Regulations, 1931:Sec.267-272). The Medical Officer had the health of the prisoners completely in his hands. With the attitude of the doctor in 1931 and 1941 maintaining that 'he knew all prisoners' tricks' this could be dangerous with prisoners suffering serious illnesses being discounted as faking it. This attitude was not found only in Malta. Selby (1979:33) writes about doctors in Victorian prisons who gave the same medicine for a variety of ailments. This showed the apathy of doctors who seemed to see the prison duty as extra to be disposed with as soon as possible. Sim (1990:15) points to tensions between the doctor's parallel responsibilities for prisoners' health and prison discipline and security.

The Medical Officer in his annual report wrote that the provisions were good, the summer and winter clothes were good, the diet was good and there were no complaints regarding the mutton, pork or beef given. There were also no registered complaints about the change in diet (NAM, CCP/Medical Officer Annual Report, 1931; NAM, CSG/01-75/1932). Captain Strologo protested about most of these items. He said that the diet was poor, the prison was full of insects and the cleanliness of prisoners left much to be desired (PR0, ADM 178/355B). Paterson in his report confirms these complaints and said that steps were being taken to better the situation. He was of the opinion that when the new Director (Ransley) returned from England the situation would be much better. Diet was used as punishment (Sim, 1990:94). Loss of food was the only way, other than corporal punishment to discipline the lazy and the insubordinate as these would gladly do away with loss of privileges (Sim, 1990:58).

In the annual report the Medical Officer wrote that during 1931 he had treated 47 prisoners suffering from gastro enteritis, dyspepsia, haemorrhoids, and laryngitis to mention a few. Five to eleven prisoners reported sick daily. These were either put on light duties or left to rest. Five hundred and ninety two prisoners were examined on entry and only in a few cases was it necessary to exempt them from work. In 1941, 617 males, 41 females and 14 juveniles were examined on admission. The most common ailments during the year were bronchial catarrh, laryngitis, tonsillitis, gastric and gastro intestinal disorders, ear and eye troubles, abscesses, boils, pyrexia, dental cases, gumboils, ulcers of the leg, sprained and strained wrists. Five to 10 prisoners attended the prison infirmary daily. During the year five prisoners were detained at the infirmary, five were remitted to hospital and three sent to the mental asylum (NAM, CSG/01-97/1941). Prisoners coming from lands that had infectious diseases were segregated and visited daily during the quarantine period as were those undergoing punishment (NAM, CCP/Medical Officer Annual Report, 1931; NAM, CSG/01-75/1932). The importance of quarantine was recognised in Malta for the first time only in 1929 when the passengers of a ship arriving from Tunisia, where there was the plague, were put in quarantine (Cassar, 1964:297). Three prisoners were sent to Connaught Hospital for infectious diseases (two were suffering from tuberculosis) and twelve male and four female prisoners were sent to the central civil hospital. No prisoner was sent to the mental hospital and none died during the year (NAM, CCP/Medical Officer Annual Report, 1931; NAM, CSG/01-75/1932).

The Medical Officer had to keep eight different types of journals (Prison Regulations, 1931:Sec.273). Only long-sentenced prisoners' weight was kept in the weight book. On release, out of the 66 prisoners admitted in 1931 39 increased their weight, 9 lost weight and 5 kept their weight. Another 13 prisoners were discharged before they were weighed again (NAM, CCP/Weight Book, 1931). In 1941 out of 140 prisoners entered in the weight book on their discharge – 67 had increased their weight, 42 had decreased their weight, 5 kept the same weight while 25 where discharged before they were weighed again (NAM, CCP/Weight Book, 1941).

Bureaucracy was also a component with regards to medicine and prison life. It legitimised the use of medicine in prisons and emphasised the 19th century preoccupation with discipline (Weber, 1922:68). This had the same function as the ledgers kept by the Director of prisons.

The birth of a baby is also mentioned in the medical journal (NAM, CCP/Medical Journal, 1941-1945, 24/10/41). The baby was to be kept with the mother. The cell had to be left open and the Medical Officer requested that she should be given washing soap, 2 thermos bottles, a feeding bottle, baby dusting powder and three blankets. The baby was baptised at the Paola church and he died on the 30th October (NAM, CCP/10/27). The doctor certified the death due to premature birth. No signs of violence were detected. Two deaths occurred in 1931. The first death was due to chronic hearth disease while the other was due to an abscess in the foot. Both prisoners had suffered from the disease prior to entering the prison. They both died through complications of their illnesses. In 1951 there was one death following a hernia operation (NAM, CCP/08-1/1931, 1941 and 1951).

Prisoners could be sent to hospital for medical reasons. The Director's journal showed that seven prisoners were sent to hospital during 1931 (NAM, CCP/10/15). During 1941, four prisoners were remitted to hospital and in 1951 five prisoners were sent to hospital, one of whom died. Another prisoner visited his stillborn baby in hospital (NAM, CCP/10/38). Prisoners who were gravely ill (e.g. suffering from epilepsy) were allowed to leave their cell doors open (NAM, CCP/Medical Journal 1948-1953, 09/06/51). The role intended for the medical doctor by the legislator was that of care. The treatment of women prisoners with children and of the ill being sent to hospital emphasis this, but historically the Medical Officer was a member of the management – and this had an unambiguous commitment to discipline, together with authority and power (Foucault, 1977:184).

All records were kept in prison and were open only to the prison authorities. Once a year, the Medical Officer wrote an annual report describing the health of staff and prisoners and prison cleanliness (Prison Regulations, 1931:Sec.274). In 1931 prisoners were also provided with hot baths and warm clothing during winter to cope with the cold weather at Corradino (NAM, CSG/01-75/1932). The sanitary state of the prison in 1931 was judged as very good with no prevailing diseases. The Medical Officer judged the sanitation of the Valletta lockup as fair and that of the Gozo prison as good (NAM, Blue Book, 1931). After having read the secret reports (PRO, ADM, 178/355B) the researcher almost doubts if the reports refer to the same prison. For the Medical Officer everything is fine but for Paterson and the Vice Admiral things were not being run well. Probably the reason the Medical Officer graded the Corradino prison as very good was because he was directly responsible for it while he was not responsible for the Valletta lockup. He could therefore safely criticise the lock up and secretly praise himself. The Medical Officer was very satisfied by the general sanitation of the prison in 1941 and 1951. Disinfecting of the prison,

extermination of rats from the surrounding fields and the testing of well waters was done regularly. In one instance when the well water was found contaminated it was used for irrigation purposes. The food provisions were inspected daily and when the meat or eggs were found to be unsatisfactory they were sent back to the supplier (NAM, CSG/01-97/1941). In 1951 there was also the establishment of a dental clinic in the prison (NAM, CCP/Prison Annual Report, 1949-1955).

To assist the Medical Officer there was the infirmary warder who was in charge of the infirmary. As special duties he had to follow the orders written in the infirmary book as well as all orders given by the Medical Officer regarding treatment and medical diet (Prison Regulations, 1931:Sec.360-366). The role of the infirmary warder was also one of control and care. He was the doctor's assistant, and as such had a similar role. The difference was in their social standing. While the doctor had a high social standing the infirmary warder did not. While the doctor was considered as part of the ruling body of the prisons the warder was not so fortunate. The same applies to the barber warder who also assisted in the sanitation of the prison (Prison Regulations, 1931:Sec.392-396). Cleanliness of the prisoners was not good. Prisoners were required to bath weekly and there is a recommendation that more supervision is done during bathing to ensure that the prisoners actually clean themselves (PRO, ADM 178/355B). Ignatieff (1978:100) wrote about how the ritual of bathing and shaving was used to humiliate the prisoners by taking away their control. Prisons' bodies belonged to the establishment they were therefore treated as part of the machinery.

Sim (1990:52) wrote that 'the debates around discipline and punishment, and the role of medicine within prisons, took place in the consolidation of science as the dominant paradigm for explaining the natural world.' The role of the medical doctor was modified by the change in thinking by the legislator, but the actions of the doctor continued to be informed by the need for discipline. Hygiene, personal sanitation and diet were introduced under the cloak of changes in thinking and increased sensibilities for the lower classes (needs of the state) but the ruling classes were aware that they were nothing more than an extension of discipline and a means to keep the prisoners under control. This shows that although on paper there seems to have been a support for the first two hypotheses in reality medical intervention was in part a cover to control the prisoners.

The medical doctor took care of the physical well being of the prisoners while the Chaplain took care of the spiritual and intellectual needs of the prisoners. The Chaplain was also to reside in the vicinity of the prison. He was a member of St. Francis convent in Paola visiting the prison at least daily and whenever ordered by the Director. All visits were to be recorded in his journal. On Sundays and Roman Catholic holidays the Chaplain had to perform all the obligatory rites. On weekdays he was to say daily mass. He was also entrusted with the duty of teaching Roman Catholic prisoners. He admonished all prisoners on admission and discharge and discussed with

the Director any matters pertaining to the welfare of the prisoners. He also visited the sick and those in solitary confinement daily and visited the prisoners in their cells as frequently as possible. When a prisoner requested spiritual advice the Chaplain was to attend to him/her as soon as possible. The Chaplain was also duty bound to pay attention to juvenile and habitual offenders. He had to keep a journal in which he entered any observation and the work he performed (Prison Regulations, 1931:Sec.275-280). Unluckily most of the Chaplain's journals have been destroyed, therefore the researcher had to rely on other journals and official documents to analyse what was happening from the religious and educational point of view during this time. The Chaplain's role, like that of the doctor, was one of discipline under the cloak of love and care (Ignatieff, 1978:75).

The prison Chaplain during 1931 said mass daily, and in the afternoons he performed confessions and visited the prisoners in the cells, the yards or the infirmary. Every Sunday the prison library was open. Prisoners could borrow books for instructional or recreational pursuits. There were picture books for those who could not read (NAM, CCP/Prison Chaplain's Annual Report; NAM, CSG/01-75/1932). While during 1850 the library only housed religious and educational material, now the library's holdings include other material such as books for leisure reading and industrial books. During 1941 two prisoners, were baptised and on 16th May the archbishop administered confirmation to a Maltese prisoner (NAM, CCP/10/27). The administration of sacraments was seen as important to gauge the good work being done by the Chaplain. The Chaplain was the person to mould the prisoner into accepting the justice of his/her sentence (Ignatieff, 1978:198). Rusche and Kirchheimer (1939:5) would interpret this as signifying that the Chaplain was part of the ruling class. His role was that of convincing prisoners to accept their lot and to conform to the dictates of the rulers. This was probably not the case in Malta as the prison Chaplain was a monk of the order of St. Francis. As an order they live in poverty and they usually did not hold court with rich people.

The Chaplain's annual report is identical to the one written 10 years previously. The same person (i.e. Rev. Guiseppe Calleja Grech) was still the priest of the prison (NAM, CSG/01 – 97/1941). The prison Chaplain does not seem to have kept proper records. He seemed to have reproduced the same report year after year. One notes that while the chief officer criticised the schoolmaster for not keeping his books well he refrains from criticising the Chaplain. Two reasons come to mind for this, one is the respect for a priest and the other that the chief officer did not have any authority over the Chaplain. The latter is probably correct. The chief officer was part of the warders who belonged to the lower class. The Chaplain, mainly because he was a priest, would have probably had much more influence with the Director. His role in keeping prisoners quiet would also have had an influence on any disciplinary action against the Chaplain. Marx calls religion 'the opium of the people' (1955:439). It is difficult to imagine someone aggravating the person who distributed this 'opium'.

Religious service was held regularly by the Chaplain during 1951. As usual confessions were heard, Lenten sermons delivered, outside priests were brought in the prisons to hear confessions, and the legion of Mary and the M.U.S.E.U.M. assisted in the teaching of catechism. During this year the Roman Catholic chapel was renovated. The services of the Church of England were performed regularly. The work of the priest centred mainly on writing letters for prisoners to be sent abroad. The number of English prisoners amounted to about 60 (NAM, CCP/Prison Annual Report, 1951:33). Letter writing still formed part of the work of the Chaplain. The role of the Chaplain over 100 years did not change much. Although his primary function was that of reforming the inmates through religious conversion he remained part of the system of discipline.

The Chaplain was also in charge of the library. He was to supply books for the religious instructions of Roman Catholic prisoners. He also supplied general teaching material for all prisoners. He had to approve all the books in the prison library. The influence of the Roman Catholic Church on what was to be read was substantial. This is not surprising as its influence of censorship of books was even found in society. If the Church censored a book it would not enter Malta a situation which changed only after 1971 (Bezzina, 1988:73). Those sentenced to imprisonment or hard labour were allowed during the first month to have the bible and books of instruction while long-sentenced prisoners could only read the bible (Prison Regulations, 1931:Sec.63-64). Prisoners were reformed even through education.

In 1941 the prison library had 1,256 volumes: 644 in English, 335 in Maltese, 264 in Italian and 14 in French. During the 1930s the teaching of English started to spread with its teaching in schools until it slowly took the place of Italian (Cassar, 1988:107). Even the situation of the prison library shows this trend with less Italian books and more English books in its holdings. Most books were fiction stories but there were some technical and religious books. Local newspapers were allowed weekly to ‘star class’ prisoners (NAM, LGO/4715/1941). In 1951 the Director attempted to revamp the prison library. He wrote to various people, enquiring whether they could donate second hand books to the prison library. The response was very good (NAM, CCP/Administration Circulars 136/1951). The reading privileges to those who had long sentences and were well behaved continues to emphasis the thoughts of McConville (1995:136) that the change in thinking demanded that the first months of the prison sentence was devoted to retribution while the rest of the sentence would be for reformation.

On admission, prisoners stated their religion. This was recorded in the nominal record book (Prison Regulations, 1931:Sec.50). This is a reflection of the legitimisation of bureaucracy found in the ledgers held by the Director and the Medical Officer (Weber, 1922:68). Roman Catholic prisoners had religious service at prison. They could not miss the service on Sundays and other days of obligation. Prisoners were not allowed to attend the services of other religions. Prisoners of religions other than Roman Catholic could request that a minister of their religion visit

them. It was the responsibility of the chief warder to tell the prisoner of this right on his/her admission. Religious ministers could only converse with people belonging to their religious domination and had to respect the rules and regulations of the prison. Prisoners were also allowed to keep in their cell bibles and other religious books approved by their religion as long as they did not pass these books to prisoners of a different religious denomination (Prison Regulations, 1931:Sec.51-57). Freedom of religion was allowed as long as no cross-fertilisation took place. A priest of a certain religious domination could not try to convert prisoners to his religion, although the influence of the Roman Catholic priest was much greater as he would visit all the sick and write letters for those prisoners who could not write. In 1931 religious services were supplied by one Roman Catholic priest and two visiting Chaplains one belonging to the Church of England and the other a Jewish rabbi (NAM, Blue Book, 1931). Garland (1990:203) writes that religion has influenced the way that prisoners were treated. Criminals as lacking moral development were the focus of Quetelet way back in 1942. Bogner (1916:44) expands this to include lack of parenting skills and relative poverty.

The Director had to make provisions for the instructions of prisoners in reading, writing and mathematics. Attendance was compulsory for prisoners under 25 years (NAM, Blue Book, 1931). Those who were attending lessons were kept away from hard labour at least for three hours per week so that they could follow lessons. Those prisoners who did not profit from teaching could be disciplined in the same way as if they had been idle or negligent at work (Prison Regulations, 1931:Sec.61-62). In 1951 the work of the night warder increased. They were also in charge of seeing that the prisoners attended evening classes. Three classes were held. Prisoners of divisions one and two attended classes together, while prisoners in other divisions attended classes alone with the exception of French lessons where prisoners from divisions one, two and three were mixed. The fact that the first two divisions attended classes together might be explained due to the small number of prisoners attending classes from division one (an average of 4). Classes were not conducted in very small groups – attendance could vary from eight to 25 prisoners in a class. Lessons for prisoners in divisions five and six when given where also joined (NAM, CCP/Principle Warder's Night Report, 1951). The warders had also to act as school warders (NAM, CCP/Medical Journal 1948-1953, 17/09/51). Compulsory school for the young shows a commitment of the prison to reform the young prisoner. Schooling was equated with hard labour, as those who attended classes were exempt from hard labour so that they could attend school. This shows the importance that the reformer gave it with the change in thinking. Hard labour was used as discipline and reform these same principles were being attributed to lessons.

The prison employed a warder clerk and schoolmaster who administered the library. He was to issue books to non-Roman Catholic prisoners and keep an account of these books for the Chaplain's information. He was also to assist the warders in charge of the workshops by preparing the weekly requisition forms. He was directly responsible for the school instruction of prisoners.

He had to teach reading, writing, spelling and arithmetic. He was to keep a register, to be seen weekly by the Director, on the progress of each prisoner. All instruction had to be given in the prison schoolroom (Prison Regulations, 1931:Sec.384-391). The warder clerk/schoolmaster was not like other warders. He came from the civil service (Thomas, 1972:170). This probably meant that he had more standing in society.

In the evening prisoners attended lessons. The primary aim of this was to 'counteract the mental deterioration resulting from prison life and to furnish the prisoners with healthy material for conversation and reflection' (NAM, CCP/Prison Annual Report, 1951:34). A board appointed by the Director to assess the progress made by prisoners held tests every three months. The Chaplain continued to play an important part with regards to the teaching of prisoners but teachers and volunteers progressively overtook his role, as a teacher (Forsythe, 1991:179). The Chaplain remained the focus of discipline, prison reform and prison welfare. All these were influenced by the change in thinking and a commitment to discipline. Religion, schooling and welfare were probably the result of a change in thinking and sensibilities from retribution and deterrence to reform but they also had a disciplinary function. Education and religion also served the purpose of the needs of the state by training the workforce for the needs of society and keeping people calm in prison. The Chaplain, like the doctor, had the dual role of making the prison more humane and controlling the prisoners. This supports the first two hypotheses but also shows the strong undercurrent of discipline.

Custody

Changing sensibilities impacted on the role of the prison officers. They were required to enforce discipline but to do so with justice, firmness and humanity (Prison Regulations, 1931: Sec 205). They were also prohibited from making any unauthorised communication with people outside the prison. Such acts would make the officer liable to dismissal. Officers could not drink alcohol or smoke in the prison with the exception of places that were designated for such use (Prison Regulations, 1931:Sec.217-222). The rules on alcohol and tobacco were not only enforced on the prisoners but also on the warders. This again reminds one that the warders and the prisoners were kept under the same disciplinary regime (Ignatieff, 1978:190). The prohibition of smoking and drinking is understandable. It would have been probably conducive to trafficking to have warders smoking while prisoners could not. Equally the authorities would not want to have inebriated warders. Safe custody was tempered with humanity. Officers who had a complaint had to direct it to the Director. If guilty of making frivolous complaints they would be disciplined. Prison officers were subject to a very harsh disciplinary regime. They were part of discipline but they were sometimes not treated any better than prisoners (Ignatieff, 1978:190).

Although the prison personnel had to treat the prisoners with humanity they had also to stop any person from escaping, including the possible use of firearms (Prison Regulations,

1931:Sec.226). The availability of firearms and the batons worn by the warders shows a new preoccupation by the legislator. During 1850, although there was a preoccupation on the effect of the new system on the prisoner, the legislator was confident that the new regime was mechanical enough to destroy any personal initiative of revolt. With the 1931 regulations the legislator was worried that with the increase in association and with more dangerous criminals being committed, prison workers would be in increasing danger (Thomas, 1972:134). There was a commitment to reform but also to discipline. Macartney (1940, cited in Forsythe, 1991:203) was right in writing that there was inevitable hostility between prisoners and their keepers and that this led to the impossibility of there ever being genuine respect and trust between them. Armed personnel would render the development of this trust even more problematic. The regulations governing the prison personnel show a commitment to discipline tempered with sensibilities because of the change in thinking. Prisoners were to be kept in prison, using force if necessary; but they also had to be reformed and treated humanely – supporting the first two hypotheses.

Table 7.4 depicts the number of prison staff employed during 1931, 1941 and 1951. One notes a slight increase between 1931 (39), 1941 (41) and 1951 (53). This increase was due to the employment of two principal warders in 1941 (from two to four) and to the employment of another principal warder in 1951, a warder (from 27 to 28 warders) and 10 temporary warders a grade that was not in existence in the previous years. From the female side there was no change in the number of personnel employed. A matron and assistant matron, both sisters of charity were assisted by two female warders. The reason why the running of the female wing was in the hands of a religious community can be varied. It might have been difficult to find women ready to work with inmates or maybe as the sisters of charity ran the hospitals it was natural that they would be

Table 7.4: Prison personnel in 1931, 1941 and 1951

Staff	1931	1941	1951
Director	1	1	1
Clerk and accountant	1	1	1
Medical Officer	1	1	1
Chaplain	1	1	1
Chief Officer	1	1	1
Store Officer	1	1	1
Principal Warders	2	4	5
Warders	27	27	28
Temporary Warders	-	-	10
Matron	1	1	1
Assistant Matron	1	1	1
Female Warders	2	2	2
Total staff	**39**	**41**	**53**

Source: Adapted from NAM, Annual Reports 1931, 1941, and 1951

asked to run the female prison wing as well. Another factor might have been that women were seen as needing help rather than being criminal. Zedner (1991:237) discusses to prison systems in the beginning of the 20th century where women were treated as mentally enfeebled and needing 'a model of healthy, domesticated femininity'. Lombroso (1895) first wrote about the connection between illness and female crime. While men were atavistic, women were monsters. Dalton (1971) connects female criminality to the menstrual cycle and Freud (1933) comments on how women turn against their natural female role when they engage in crime. Women are seen as sexual beings. This continues to reinforce their role in the domestic sphere (Klein, 1998:161) influencing the running of the female prison.

In 1931 the Director, the Chaplain, the chief officer, the store office, the two principal warders and the 27 warders were entitled to free quarters or an allowance (NAM, CSG/01-79/1931). According to the prison regulations, those warders that did not live in the prison had to live in the prison vicinity. Perhaps Ignatieff (1978:192) was right in writing that prisons 'required the creation of a reliable cadre of working-class disciplinarians, demarcated from their class by the regimens of their corps'. The Director wanted the warders to live in prison so that he could control them more efficiently. The Director commented that 'staff carried out their duty well – with tact and efficiency' (NAM, CSG/01-75/1932). Ten years later this was not the impression given to Paterson. He wrote that the Maltese warders were smaller in stature than English prisoners and they tended to try to show their superiority in 'rather a petty way'. Patterson blamed this attitude on the chief officer's example and he recommended his transfer to another department. He also said that those Maltese prisoners who had 'friends' were given preferential treatment mainly in being allowed more food and clothing. He also maintained that the English prisoners were not liked by the Maltese prisoners and the staff but that they were not ill-treated: on the contrary they were ignored and rarely punished for breaches in regulations (PRO, ADM, 178/355B). This continues to stress Ignatieff's (1978:192) point that warders and prisoners came from the same social background. The preferential treatment given to the Maltese also brings to mind Hay (1975, cited in Garland, 1991:203) when he wrote that social class was a variable that could result in special treatment. In this case it was belonging to the same social class and being friendly with the warders that resulted in preferential treatment. This is a reversal of Rusche and Kirchheimer's (1939:5) ideas: instead of the prisons being used for the needs of the state this shows that they were used to enforce the lower class culture.

The chief officer was the person in charge of the day to day running of the prison and he saw that all the Director's instructions were carried out. The chief officer had to keep a full record of all prisoners (the admissions book), the marks book, a daily admission and discharge book and an account of all prisoners' money and property (Prison Regulations, 1931:Sec.285-296). The bureaucracy helped to legitimise the prison authority, justifying its use in the eyes of society (Weber, 1922:68). Thomas (1972:63) maintains that the role of the chief warder was one to unite

the prison workers. He received orders from the governor and in turn gave orders to the warders. He writes 'there was the unity of command, and common identity, which are concomitants of the para-military structure'.

The chief officer's role in prison was extremely important. He was the person who organised everything. He was as important as the Director was but had no executive powers. He was the person in contact with the other warders and they probably went to him with any problems they might have had. The chief officer and the Director always had a 'symbiotic relationship' (Thomas, 1972:64). The chief officer knew the running of the prison, the prisoners and the warders. This ensured that with changes in the directorship things continued to run smoothly. The chief officer had previously been a warder and warders might have felt that he sided too much with the Director, however they wished to one day occupy his role. The Director, from the uniformed staff, could only trust him implicitly (Thomas, 1972:65).

The warders were under the charge of the principal warders. The principal warders assisted the chief officer in the supervision and the directions given to the warders. They had to observe the behaviour of both warders and prisoners and report any infringement of the regulations to the chief officer. Principal warders had the onus to instruct newly admitted prisoners in the rules and regulations of the prison (Prison Regulations, 1931:Sec.317-326). The principal warders were in contact with prisoners all the time, it was their role to see that the prisoners and warders behaved themselves. They were the disciplinary apparatus of the prison. If was impossible for the chief officer to control the warders and the prisoners if he did not have the help of the principle warders.

Warders were directly responsible for the safety of prisoners in their custody. They therefore had to count the prisoners in their charge at frequent intervals and surely on commencing and finishing their duty. They could not sit down or relax during their duty, but they had to stay alert, watch over the prisoners and keep themselves clean. They had to keep an account of all the work given to and done by prisoners in their charge. Section 336 of the prison regulations 1931 says:

> They should treat prisoners with kindness and humanity being firm, at the same time maintaining order and discipline and enforcing complete observance of all rules and orders.

Warders were controlled through many regulations, for example they could not conduct unnecessary conversation with the prisoners, they were prohibited from making gestures, which could demean or irritate prisoners and they were not allowed to establish any form of familiarity, as they were not to speak of their duties or other prison procedures within the hearing of inmates (Prison Regulations, 1931:Sec.327-342). Ignatieff (1987:77) writes that 'the guards … were to be routinized by formal regulations'. Warders were all the time in contact with prisoners. They had the security of the prisoner in their hands and they were vigilant to avoid any escapes. With the

change in prison regime they must have felt that their role was changing and that prisoners were being treated very leniently. These feeling were found amongst warders working in the UK. According to Forsythe (1991:202), warders saw that discipline was suffering. They also felt that their role was being discredited with the introduction of teachers and welfare services. They also felt that more liberty increased danger for them. With prisoners being allowed in their possession more objects they had more objects to attack the warders with. Lastly they felt that their pay was poor and that their work was not appreciated.

On a typical day in 1951 one would find a warder in charge of each division and four warders in charge of the yards. There would also be a warder taking care of the infirmary, the main gate, the central hall, the outside gate, the stores, the kitchen and the bakery. Also present would be the industrial warders in charge of the various trades, and two warders in charge of prisoners on field duties. Two or three warders would also be in charge of the meals. During the night shift there would usually be four warders in the prison and another two on patrol duties. Another three warders, usually performing overtime duties would be in charge of taking prisoners to evening classes. The chief officer and a senior officer would also be on duty. On the female side the Matron and the Assistant Matron, both sisters of charity, were in charge. Female warders (two were employed) did not always assist them in their jobs (NAM, CCP/Detail Book 1951). The role of the warders changed drastically in 1951. What Lord Stanhope wrote about warders in 1923 England could be easily applied to warders in 1951 Malta:

> It had been impressed on us that a Prison Officer is no longer a mere turnkey and disciplinarian, but is required to take his part in the endeavours which have been increasingly made of recent years to reform the offender and to restore him to sound citizenship.
>
> (Thomas, 1972:168)

The prison employed a warder in charge of the gate. The gatekeeper was responsible for the keys and had to check who entered and exited the prison and to keep the firearms and ammunitions in good order (Prison Regulations, 1931:Sec.348-359). According to Thomas (1972:8) in prison there is always the possibility of crisis. Because the police and the army had always been equated with crisis control the prison adopted a military structure for its personnel. Thomas writes that the prison is not about punishment but about control. Its structure is such that is can mobilise itself to deal with any treats to its control. Thomas continues further by writing that the ‘immature and the unstable’ are in control. These cover their insecurities with rules and tyrannical discipline.

Discussion

These last two chapters have shown how the prison was run during the 1931-1951 era. The change in the prison Director after the war brought about a change in the prison regime reflecting the change in thinking that had occurred previously in England. There is substantial support for the

first two hypotheses. It has been shown that the prison regime in this era was less evolved than the one found in England, with more emphasis being given to deterrence and re-integration of prisoners rather than reform. The Maltese authorities after the Second World War were trying to catch up with the modernisation process that had occurred in England in the 1920s (Thomas, 1972:161). The influence of the change in thinking can be seen from certain aspects of the prison regime. Prisoners after the war could enjoy entertainment in the form of films and even live shows. This era also saw the demise of the silent regime and the possibility for prisoners to leave prison to visit sick relatives. Another variable brought about due to a change in thinking was the lenient treatment of women when compared to men. Although this might have facilitated women's life in prison it also rendered their lives worse as women were discriminated against with regards to pay and their treatment as children. Women were also not taught any trades that might help them once they left prison.

Work remained the most important part of this regime. It was seen as an integral part of reform (Foucault, 1977:164). Prisoners were also urged to continue with this reform after their prison sentence by being gradually given the gratuities that they had earned. This method could only work for long-sentenced prisoners, as these would be the only ones that would have earned enough money. Prison-work usually by restricting the diet also features as a method of reform. Prisoners were to be feed enough to be able to work and reform but they were not to be kept in luxury. During the war, when Malta was starving the authorities were careful not to modify the prison diet. This would have been dictated by two preoccupations. In the first place they would not have wished to unbalance the science of the diet, but a more pragmatic reasoning would be, not wanting to upset prisoners to a point where they might revolt.

Members of the Board of Visitors, excluding ex officio members, had the interest of prisoners at heart. They were surely influenced by the change in thinking and believed that the prisoners could reform, so much so that some even offered their personal help to assist the prisoners once they left prison. Possibly, the biggest change was in the way the prison officers treated prisoners. Prisoners could not be treated as they were in 1850. They were now allowed certain privileges the most important being able to communicate with other prisoners. This brought with it problems of discipline but also made the warders in charge of reform. The role of the warders had changed from one of turnkey to an agent of reform (Thomas, 1972:168).

Reform was not only influenced by a change in thinking but also by the evolving sensibilities of society. Reform relating to entertainment and communication were surely influenced by the people's change in sensibilities. Visits from members of the upper class brought with them recommendations that were the results of evolving sensibilities. The prisoners were not seen as persons to be locked away and forgotten. They had to be afforded enough comfort for the dignity of the person. The sensibilities of the upper class also influenced smuggling during the

Second World War. The internees saw nothing wrong in supplying prisoners with cigarettes. The elimination of physical punishment, namely whipping, irons and the gag, was also dictated by a change in sensibilities. It was deemed barbaric that in order to reform a person had to be physically punished. The different treatment received by women and juveniles was also dictated by the upper class sensibilities.

The incident about the inquiry of whether prisoners were being supplied with toothpaste and newspapers supports Elias's (1939) idea that these types of changes first occur in the upper classes. The answer that most prisoners were not used to washing their teeth and could not read also shows that the upper classes were remote from the actions of the grass roots. One finds a big emphasis on hygiene and cleanliness in prison. Although this was dictated by the need to avoid the spreading of disease there was also an element of changing sensibilities.

Discipline was also influenced by the changing sensibilities. It transformed itself from discipline to produce docile bodies to discipline tempered by humanity (Cullen and Gilbert, 1982:330). This does not mean that prisoners were allowed to act as they wished rather it meant that they were allowed to engage in new activities such as conversing with each other during certain periods of time. This changed the disciplinary framework. Previously warders had exercised near-absolute authority over prisoners, but now inmates could communicate with each other and formal mechanisms for airing grievances were introduced and strengthened. Protest was made possible and officers felt threatened (Thomas, 1972:159).

This new phenomenon brought about the possibility for warders to bear arms and to carry a baton for self-defence. During the last decade there were a number of prisoners who were disciplined because they did not obey the warder's orders. This confirms that warders were losing the absolute control that they had over prisoners. Discipline still had to be kept otherwise a handful of people could not control the prison. A change in discipline had occurred by allowing prisoners to talk to each other, because of the removal of physical punishment and the general changes in the prison regime. Discipline was maintained through rewards and work, especially through industrial training intended to modify the prisoners' behaviour (Forsythe, 1991:185).

Uniforms, prison hygiene, the ritual and the variety in the diet, classification, religious instruction and medical care were also used to control the prisoners (Ignatieff, 1978). Uniforms meant that all prisoners were the same. The ritual of bathing and cleanliness were aimed at humiliating the prisoners. Food was used as a reward for good behaviour or as a punishment. The role of the Chaplain and the Medical Officer were to control prisoners under the disguise of love and care. The Medical Officer was especially guilty of covering personal hunches through scientific explanations (Sim, 1990:9). The Chaplain's commitment to charity and humanity modelled discipline and obedience to prisoners (Ignatieff, 1978:75). Religion was to bring about a reform in prisoners, while education was to reform and teach prisoners the accepted mode of

interaction. The Visitors were also agents of control. They listened to the lamentations of prisoners but they never acted against the prison authorities. They did not even go as far as investigating complaints themselves but they left everything in the hands of the prison Director or the Medical Officer.

The Director's role together with that of the chief officer and the other warders was one of discipline. The prison created an impressive amount of bureaucracy to ensure its legitimacy (Weber, 1922:68). Bureaucracy also ensured the legitimisation of discipline. The warders dispensed discipline but they were also subjected to it. They worked under regimental supervision, they wore uniforms and their actions were controlled through numerous rules and regulations. In reality they fared little better than the prisoners that they disciplined (Ignatieff, 1987:77). They were disciplined by the chief officer or by the Director. They could be suspended from work or fined.

The warders came from the same class as prisoners. They were to modify the behaviour of persons from their same social class according to the dictates of the people, from the upper classes (Ignatieff, 1978:192). Most prisoners were illiterate. They were to be educated and taught how to read. The reading material was strictly controlled. They were allowed to read the bible or industrial books. Prisoners were also given industrial training according to the needs of the state. The type of work given to prisoners was menial work or work that was needed by society such as supplying bread for institutions (Rusche and Kirchheimer, 1939:5). The warders were part of the apparatus to bring about this change (Foucault, 1977:294). Patterson's (1944) comments, corroborated by comments from other English prisoners, shows that the warders favoured Maltese prisoners, facilitating their lives in prison, in opposition to the prison regime. The warders were also subject to the authority of the upper classes. Through the chief officer, who came from their same social background, they were disciplined according to the needs of the state, through the enactment of a multitude of rules (Ignatieff, 1978:190). The Board of Visitors was also made up of members coming from the upper classes of society. They served as a mechanism to control the status quo of the prison. They clearly sided with the prison authorities. Although one may understand this as the result of not wanting to upset discipline, there role was not intended to be one of legitimising the actions of the prison authorities (Weber, 1922:263). That was left in the hands of the bureaucracy created to justify the existence of the prison (Weber, 1922:68). Their role was that of acting as guardians to the prison, counteracting and checking the power of the Director and the other officers in charge of the prison.

The four research chapters have presented the prison situation in 1850 and 1931 together with the 10^{th} and 20^{th} year from these two important dates in Maltese prison history. In the next chapter a comparison between the two eras under study will be made. The hypotheses of this study will also be addressed and assessed to conclude up to what extent one can agree with them. The

last chapter will also draw up a summary of the most important findings in this study in the light of the theoretical framework.

Chapter 8: Conclusion

The aim of the concluding chapter is to compare and contrast the changes that occurred during the evolution of the Corradino prison from 1850 to 1951. Through this analysis the hypotheses of the thesis are confirmed or rejected. The researcher starts by comparing the evolution in the building of the prison. This is important because the place where prisoners were kept influenced the way they were treated. This section addresses the first hypothesis i.e. that the prison regulations moved from deterrence and retribution to the punishment of the soul and rehabilitation, and the second hypothesis i.e. that prison practice moved from an austere to a softer mode of punishment. The second issue relates to prisoners' profiles. This would directly address the third hypothesis i.e. that the profile of the prisoner in 1951 is not much different from that in 1850. The second part of this chapter compares the prison regime of the two eras under study. This section compares findings on discipline, work, diet and the workers of the prison to enable the researcher to address the second hypothesis of the study, together with some insight into the first hypothesis. As the research spans a 100 years it was impossible to focus on one theoretical perspective. As Garland (1990:284) and Duff and Garland (1994:3) maintain punishment is influenced by the social, cultural, religious and political dimension of the time. Prison regimes are no different. They change according to time, place and culture. The researcher maintains this position and any analysis of the data did not reflect one theoretical perspective but the four pronged approach – change in thinking, changes in sensibilities, commitment to discipline and the needs of the state – and also the changes of the Maltese society of the time.

The history of rehabilitation can be divided into four segments. The first is the penitentiary model. This model is characterised by work discipline and moral education (Rotman, 1997:288). This model was found in the Corradino prison of 1850. The first model gradually gave way to the therapeutic model. This model assumed that criminals were sick and tried to cure them. The model started to emerge in Malta after the war. With this model there was also the influence of the third model – the social learning model where criminals are seen as a product of their environment. The last model – the human rights model, emerged much later although the reintegration of prisoners to society, which is part of this model, has always been present in Malta.

Foucault (1977:167) wrote about the architecture of the prison as being important for prison discipline. He wrote about prisons where every prisoner was visible to the warders – referring to the panopticon prison. Although the Maltese prison was built on the Pentonville model the style had been influenced by the panopticon. Corradino prison architecture did not change in 100 years.

The aim of the prison was to reform prisoners. When it opened in 1850 it was considered a modern building. It had means of controlling the temperature in the cells and had a system of

ventilation. This was the first means of humane treatment, showing that the treatment of prisoners was to be improved from their treatment in the old prisons. Although the system soon developed some problems the intention of not making the prisoners suffer unnecessarily was clear and explicit. This shows that the authorities embraced the change in thinking occurring during the time. Although prisoners were to be treated well, the law-abiding community did not want to have a prison outside their doors, thus the choice of a small populated village outside the cities to build the prison. Society was ready to show sensibilities to the prisoners as long as they were not too close to home.

The prison aimed to secure the solitary system of confinement. The regulations specified the ideas of solitary confinement but there were discrepancies between the regulations and practice. The first was that the prison did not have enough wings for proper classification. One prison had to cater for men and women, old and young, recidivists and first time offenders, those under arrest and the sentenced, not to mention debtors. With only these classifications the prison would need 13 wings. This would not only have been very costly but also impractical, as some wings would have had just one prisoner, condemning vulnerable prisoners, such as the young, to a further punishment of solitary confinement. Another problem was that for the real solitary systems to work the establishment would have had to employ more warders, which would have put a further strain on the budget. Classification was important for discipline. Even in 1850 the separate system was not adopted. This might indicate that the prison was not seen only as retributive punishment but also as reform (McConville, 1995:136). On the other hand it might have been just a practical consideration due to the small number of prisoners. There is evidence throughout the study that Maltese social mores (a relatively small population where most people know or know of other people and their business) mitigated against a comprehensive commitment to either the solitary or silent system of imprisonment.

The Maltese Corradino prison did not change much during the 100 years under study. The same prison architecture was kept but with increased capacity. This is a modified panopticon prison built on Bentham's model. Its layout is practically the same as the Pentonville (London) prison of 1840-42. Originally it had four wings which surrounded a central hall. Each wing had a yard. Prisoners were mostly kept in single cells and were only allowed to converse with other inmates in the same wing. Prisoners in Malta did not work in solitary cells; they used to work in the 'corridor' of their division or in the workshops where a warder from the central hall would observe them. As Foucault writes: 'The perfect disciplinary apparatus would make it possible for a single gaze to see everything constantly' (1975:173). The original four wings were increased to eight – one for juveniles, one for women, one for those condemned to death and another for debtors. This time the architectural plan stipulating a central hall with wings of cells around it was not respected as these prisoners had to be completely separated. The different wings delineate the type and extent of classification. None of these categories could be allowed to mix with each other

or with other prisoners. When the prison was hit by enemy action during the Second World War it was repaired according to architectural plans. After the war the prison was made more comfortable – cells were refurbished, the windows widened and the yards cemented. The infirmary was changed to reflect the changes that had occurred during this time. The use of hot water to bathe was also introduced. Although no major structural changes occurred, the changes in refurbishment reflect the change in thinking of the times. Although the prison of 1850 was considered to be modern (it had much more light and ventilation than the old prisons) a hundred years later modern standards had themselves changes. Further developments were needed. This modernisation could be due to a change in the people's sensibilities (Garland, 1991:234). The prisoner of 1951 was kept in more comfort than the one in 1850. These changes reflected not only a cultural change about the treatment of prisoners but also a change in society.

With all the changes that had occurred in society that made the prisoners' lives easier the attitude towards communication between prisoners by the authorities did not change much, however total silence was impossible to achieve. This problem was felt not only in Malta but also in other countries (Rothman, 1998:105). Communication between prisoners was allowed to a certain extent and was made possible when prisoners started sharing cells. The separate system had been modified during 1870. This is confirmed by the building of cells that could house two prisoners, directly contradicting the prison regulations that specified that prisoners should not be housed together. The problem of overcrowding was felt even more in the second era, with those sentenced for default of payment probably being kept together. Allowing communication between prisoners of the same class also shows a change in thinking from retribution to rehabilitation in support of the first hypothesis, although there were pragmatic considerations.

With the building of the new prison there were major changes demanded by changes in thinking about the treatment of prisoners. These changes also influenced prison discipline. Prisoners no longer had to pay for their upkeep. The jailers did not have to be bribed so that the prisoners could gain privileges. This prison was to be run in a scientific manner, with the utmost seriousness and discipline. None of the previous personnel was proficient to work in the new prison. Warders had to be trained to reform prisoners and not to corrupt them with their practice. These were to undergo training, which would generate people that were trained to control others according to the needs of the state. Prison officers would be unrealistic to suppose that prisoners wish to be kept in prison. They could not afford to lose control of the prison, but they could not use unnecessary physical force to gain it, otherwise there would be a public outcry. They have therefore to rely on coercion (Thomas, 1972:7). The head of the prison was also a different type of man than that found in the old jails. He was either a medical doctor or a former ranked police officer or military person. The co-operation between the prison and the police practically started from the inception of the prison when the police were called upon to assist in the transfer of

prisoners from the old prisons. It continued throughout the years with police working in prison and sometimes having a police officer as head of prison.

While the prison in the first period seems to be more modern than the prisons found in England, this does not hold true for the second period. While the English regimes continued to evolve, giving more emphasis to the rehabilitation of prisoners, with the building of new prisons and the availability of new facilities, the Maltese prison seems to have evolved in a much slower manner. That which happened in the 1920s in England started in Malta after the Second World War. However prisoners were still treated more leniently during the last era than during the first years of the inception of the prison. The aim of the new prison was to reform criminals and deter crime. This aim was transformed into the reform and rehabilitation of prisoners only in 1948. In the first decades Corradino prison housed only male prisoners. In 1895 women prisoners were also transferred to Corradino. When this occurred a different regime was born. Male prisoners were treated in a more austere fashion while women were trained to be good housewives. The different treatment between men and women continue to show that prisoners' treatment were dictated by changes in thinking, the peoples' evolving sensibilities as well as the needs of the state. Women were considered in need of help rather than being evil. This meant that the female wings were run rather like hospitals (Zedner, 1991:237). Women were expected to be housewives, therefore they were trained for the job. In Malta they were entrusted to the care of the sisters of charity, who were also in charge of the hospitals.

Prisoners during the first era were kept separately while those in the second era were allowed to communicate and to work in association. Classification of inmates was important in both eras. The 1850 regulations specified a division between those who had committed crimes and those who had committed misdemeanours. Under these regulations prisoners were separated into categories according to the length and type of sentence. In 1931 the separation of prisoners was only specified in the regulations with regards to having prisoners allocated to lower, middle and higher grades. Prisoners had also to be categorised according to age (juveniles had to be separated) gender and status (awaiting trial or under detention from sentenced). The regulations only gave a general outline. It was left to the prison authorities to categorise. Prisoners were separated according to their wish and ability to rehabilitate. Rehabilitation was increasingly important during the second era. This is reflected both in prison practice and in the prison regulations. During the second era there was a great emphasis on separating juvenile criminals from older criminals. When Corradino prison opened, young inmates were housed with older offenders. This separation shows a preoccupation for saving the young offender and a belief that the young could be saved from a life of crime. Another important difference between the two eras is the possibility of earning remission in the second era. The prison administration could vary the length of the original sentence if the prisoner was reforming. The only exception was for those condemned to life imprisonment and for recidivists. The latter could only earn remission in the last quarter of their

sentence. These points show a preoccupation with the rehabilitation of the offender. Offenders were not seen as having been led morally astray but as persons who with the necessary help could be brought back into society. Remission was predicated on the supposedly scientific measurements of progress with the professional jargon moving away from determinism towards humanism (Pratt, 2002:87).

The prisoners' profiles did not change much during these hundred years in support of the third hypothesis. The typical prisoner was a young Maltese male between the ages of 18 and 27, having committed crimes such as petty thefts or disturbing the public peace and committed to a short prison sentence. During the first era, between 80 per cent and 83 per cent of the prison population was committed for less than a month, while during the second area between 63 per cent and 93 per cent of the prison population was imprisoned for less than three months. Prior to imprisonment he was single, employed in an unskilled job, lived in the inner harbour area and could not read or write. Most prisoners (70%) were single, in the 1850-1870 period, this went down to 50% in the second era. The 1931-1951 era, the sameness with regards to marital status and number of children is much less pronounced. There is a further change from the first time offender in the 1850s to the recidivist in the 1930s. Admission to prison during these years varied from a low of 338 during 1951 to a high of 1,607 in 1871.

The type of punishment also evolved to a physically less harsh one in support of the second hypothesis. While in 1850 the court sentenced people to being chained, periods of solitary confinement and lashes, these were totally absent during 1931-1951. The use of the death sentence also diminished in the second era, the last sentence to be executed was in 1943. The death sentence had not been used since 1927, after which between 1941-1943 (the war years) it was used four times, once on a condemned spy. This shows a change in general sensibilities (Garland 1990:227)

Another reform that influenced the amount of people imprisoned was the possibility for the court to allow some time for the payment of fines. This reduced drastically the number of persons imprisoned. Both the lack of capital punishment and the use of alternatives show an evolution of the Maltese mentality and support the first two hypotheses of this study. Costs and the political climate dictate change in penal policy (Willis, 1981:255). The increasing costs of imprisonment would encourage the release of occasional minor offenders, but this is balanced by negative perceptions about persistent and petty offenders who would require high-cost maintenance in the community and who progressively seem less eligible for non-custodial dispositions as the frequency of offending increases. These offenders tend to be sentenced to imprisonment albeit for short terms. This was true from the 1850s through the 1950s. This is balanced by the perception of society because crime is a sensitive political issue. Willis (1981:279) contends that the repeat trivial offender would make part of the prison system for a long time. He calls this 'penal inertia'. Although these people do not pose a danger to society, it is not probable that any politician would

advocate their release, as they, are a nuisance to society. Therefore it is likely that the prisons would continue to be full with this people. There has certainly been a change in Maltese prisons from the most common first time offender being incarcerated in 1850 to the recidivist petty offender in the second era. This reflects Willis's (1981:165) reasoning that first-time offenders were not likely to be imprisoned with the advent of community corrections. The prisoners' profiles have shown that the prison had not only failed to reduce crime but had succeeded in producing recidivists. Furthermore it also showed that people possessing similar characteristics ended in prison. As Foucault (1977:119) maintained there are two classes, one pertaining to the 'judges' the other to the 'criminal'. Rusche and Kirchheimer (1939:4) would go a step further saying that prisons serve to keep and change the behaviour of a certain section of society according to the needs of the state.

Prison uniforms were used in both eras. During the first period there does not seem to have been any distinction between the uniforms of different kind of prisoners. In the second era there was. In the first era prisoners were not kept in association, therefore it was not necessary to distinguish between one type of prisoner and another. During the second era things changed. Prisoners were allowed to mix with each other and imprisonment had become much more scientific, therefore everything had to be precise. The use of different uniforms helped in the classification and therefore the treatment of prisoners. Uniforms formed part of the regime to humiliate and to take away prisoners' individualism (Ignatieff, 1978).

The prison regime was run under an extremely strict timetable in 1850. Activities in prison were what Foucault would have described as 'organic' (1977:167). This was to a certain extent relaxed in the 1931 regulations. Both regulations specified the time that had to be spent on each activity. This reflects Foucault's (1977) ideas that the timetable was used to avoid wasting time, to train people and for the authorities to show their power on prisoners – in short, to show the discipline over prisoners. It also confirms the Rusche and Kirchheimer (1933) view that the prison was used to train labourers. Work, discipline and security were important concepts in the prison regime.

Keeping the inmates secure was a preoccupation of the prison authorities. The prison regulations (1850 and 1931) both specified certain aspects of security such as the Director or the chief officer having to patrol certain areas of the prison and the counting of prisoners at specified intervals. When a prisoner escaped in 1860 the response of the authorities was to have narrower windows and to place a sentry between the yards. The response during the second era when prisoners escaped was not as drastic. The escaped prisoners were punished but no other specific actions were taken on the rest of the prisoners. The reactions of the authorities were very different. In the first instance it was an extreme reaction, probably due to the fact that the escape showed flaws in the prison security. In the second instance the reaction was measured with only the

culprits being punished. Riots and escapes show a loss of control over the prisoners (Thomas, 1972:7). This must be avoided at all costs. When society realises that the prison had failed its task of keeping prisoners secure it reacts by observing that the institution is failing in its task but it will also condemn the use of harsh measures to stop the crisis. Therefore the prison has to build in its structures ways of controlling a potentially explosive situation. This is done through the paramilitary structure of its staff (Thomas, 1972:8).

Another problem with security was the smuggling of illicit material in prison. The smuggling of tobacco proved a headache for the prison authorities in both eras. The prison was a place where tactics were used to control prisoners. Foucault calls this 'combinatory' (1977:167). Discipline in prison was an important factor. It was based on punishment and on the awarding of privileges for good behaviour. Both punishment and rewards were given to control the inmates' behaviour. Taking a cursory look at the offences committed by prisoners one realises that these offences did not change much during a hundred years. They are actions of people housed together not being able to leave or do what they want. The actions were a form of rebellion against the prison authorities – actions such as fighting, destroying prison property, refusing to work and smuggling illicit items. Subversion of prisoners is not only shown by these actions but also by falsely reporting prison warders and by refusing to obey them.

Prisoners were punished for disobeying orders. The prison regulations gave the prison Superintendent the power to issue punishments for any infractions. Comparing the two eras one notes that the types of punishments which could be inflicted on a prisoner were increased by 1931. The punishments in the 1931 regulations were more psychological than physical, while those in 1850 had a greater emphasis on the physical component. In reality the most common punishment was that of solitary confinement in both instances. Punishments like putting a person in irons or whipping had disappeared completely by 1931. The most physical form of punishment awarded in the second era (used only in 1941) was the deprivation of the mattress or putting a prisoner on diet punishment. Disciplinary punishments also depict that there was a general move towards a more humane form of corrections dictated by a change in thinking and sensibilities. This is also reflected by the food given to prisoners, with diet punishment being one of the available punishments generally supporting of the first two hypotheses.

The food given to prisoners was specified in the prison regulations. The quantities were also specified. The only person who could modify the diet was the prison doctor for medical reasons. The diet was 'scientifically' studied to give enough food to prisoners. It reflected the diet of the people and was as plain as possible. The diet specified the amount and the day that it was to be given. The 1850 dietary was more meagre than that found in 1931. During the second era prisoners were allowed more variety in food and there was a larger quantity of protein but slightly less carbohydrates during the first month of imprisonment. There was also the inclusion of

vegetables, lentils, milk and sugar. This diet was more balanced than the previous one but there were more complaints by prisoners. This reflected the type of food that the prisoners were used to eat when in society. During the first era prisoners were fed better food than the food they were used to in society, while in the second this was probably inverted. The prison worked under a bureaucratic structure. This is shown not only through the dietary but also through the keeping of various ledgers and the specific directions given for the admissions of prisoners and their treatment. Bureaucracy legitimised the prison. It gave the state the necessary authority to imprison offenders without society, especially those people who came from the same class, revolting and demanding the release of prisoners (Weber, 1922:68).

Those prisoners who where condemned to hard labour had to work, the others were encouraged to work as work, was part of the rehabilitation process. Work was an integral part of the prison regime. The prison timetable was replete with reference to work. There was practically no difference between hard labour and any other form of labour in Malta. Although the prison regulations and the court sentences did make this difference, reality showed that the only form of hard labour (the capstan pump) was in operation at irregular intervals. Even oakum picking was not always available. Sometimes prisoners would be sent to break stone as an extramural activity. The making of bread was the most lucrative form of labour that the Corradino prisoners performed. The making of bread, especially in the second era, was a very important industry. Women and juvenile prisoners were given different work to adult males in 1931-1951. Although it is not possible to comment about women prisoners in the first era, young boys were given the same type of work that adult males were given when Corradino prison started functioning. Although there were different trades being taught to prisoners during the 1850-1870 phases, industrial training as a form of rehabilitation started to be given importance only after the war, this supports the first two hypotheses. Prisoners earned gratuities for the work that they performed and after the 1931 prison regulations they also earned marks that enabled them to leave prison earlier. A substantial difference in the regulations was the possibility for prisoners to earn remission with the enactment of the 1931 regulations. This together with the earning of gratuities was the first form whereby the administration of justice interfered with the prison sentence passed by the court.

There was no drastic change in the hierarchical structure of the prison during these 100 years. The prison was under the jurisdiction of the Superintendent. The Board of Visitors, the inspector of prisons, the doctor and the Chaplain checked his actions. These roles did not change during this period although the role of the inspector diminished, to be taken over totally by the Visitors. They had to act as watchdog on the actions of the prison personnel. As has been shown the Visitors did not always perform this role diligently. The role of the doctor was later separated from that of Director to give him more autonomy and the prison Chaplain was given the role of teacher in prison although in reality they each functioned as a disciplinary and control mechanism over prisoners. The prison was run in a strict hierarchical nature. Foucault (1977:167) calls this

feature ‘genetic’ – orders were used to guarantee the required behaviour, with no explanation being necessary. Orders were hierarchical in nature and never questioned. This was necessary for two reasons. The military structure made controlling prisoners possible (Thomas, 1972:8). Conversely, it served to train and control warders as these came from the same background of the prisoners. They were controlled and disciplined through various rules and regulations. In reality they did not fare much better than prisoners (Ignatieff, 1987:77).

The personnel in daily contact with prisoners were increased during the latter period. In 1850 the prison was run with much fewer officers than in 1931. Prison officials were also increased. This increase occurred because warders had more contact with prisoners during the 1931-1951 era. They had to take prisoners to school and they had to accompany them to learn or work in the trades. With the elimination of the silent regime prisoners were in a position to talk with each other about their grievances. Whilst previously, prisoners would smash furniture they could now organise themselves to revolt or escape. This was threatening and it necessitated an increase in prison personnel (Thomas, 1972:159). After the Second World War people from the outside world, such as teachers, entertainers and others to help prisoners settle in society once they left prison were entering prison. This meant more work for warders as they had to accompany the prisoners to the various sections of the prison and protect the visitors. Initially, the duties of the warders were simply to accompany the prisoners to work or the church, but with an increase in their duties to rehabilitate and show more control, it became necessary to employ more people especially in the lower ranks.

During the 1850-1870 period the reformers emphasised moral wrongs. Therefore the prison reform was aimed at reforming the prisoners’ morals. With the change of the century, prison reformers started emphasising rehabilitation. Here emphasis was given to therapy in order for prisoners to be reintegrated in society. Prominence was given to the teaching of social norms and values. Garland (1990:261) confirmed this when he commented about the development of punishment in modern society. What happened in Malta is strikingly similar. Malta was clearly influenced by reforms in the United Kingdom. During the first period under study the prisoners in Malta were treated better than the prisoners in the United Kingdom. During the second era the rapid changes that occurred in the United Kingdom took some time to arrive to Malta, with the real change to rehabilitation only occurring in 1948.

Addressing the three hypothesis of the study the research has shown that all three hypotheses are to be accepted. The first hypothesis – that prison regulations moved from deterrence and retribution to the punishment of the soul and rehabilitation – has been proven. To mention a few changes one might recall the introduction of the marks system, the trade warders and the possibility of more contacts with the outside world. This also shows the influence of the change in thinking and the changes in sensibilities.

The second hypothesis – that prison practice moved from being austere to a softer mode of punishment – has been proven by the rehabilitation of prison being given importance after 1948. Although attempts at rehabilitation were always mentioned the real move towards rehabilitation only occurred after the Second World War. The prison was always committed to discipline. Even when this was eroded with the elimination of the silent system and the introduction of welfare for prisoners the Corradino prison still had to control and discipline its inmates. It changed its modus operandi.

Finally, the third hypothesis – that the profile of the prisoner in 1850 was not much different from that of the prisoner in 1951 – was proven through the analysis of the data of the prison admission records which have shown that although some change did occur in the prisoners' profile with regards to marital status, length of imprisonment and recidivism, one still finds the same type of disadvantaged person being imprisoned. This supports the idea that the prison is an institution that caters for the needs of the state by creating a bureaucracy that makes it legal to control the less desirable members of its society.

This research suggests five major findings. Primarily that although the English influence was evident in the overall prison regime and prison regulations the Maltese character gave its input to the new prison being created. The bureaucratic structure was similar but different enough to be less harsh and more accommodating. Secondly, there is evidence throughout the study that Maltese norms, with a small population, where everybody knows everybody, helped to soften the harsh treatment of the silent system of imprisonment. Third, the Corradino prison was a prison committed to discipline and fourthly it managed to create a triumphant prison regime, especially in the first era. A single prison was able to create an expression of the change in thinking being made to operate and function better than the one that inspired it in England. Finally the research shows that notwithstanding all these innovations the prisoners' profiles did not change during a century of imprisonment with the same type of people being imprisoned.

Appendix A: Photographs of the sorting process

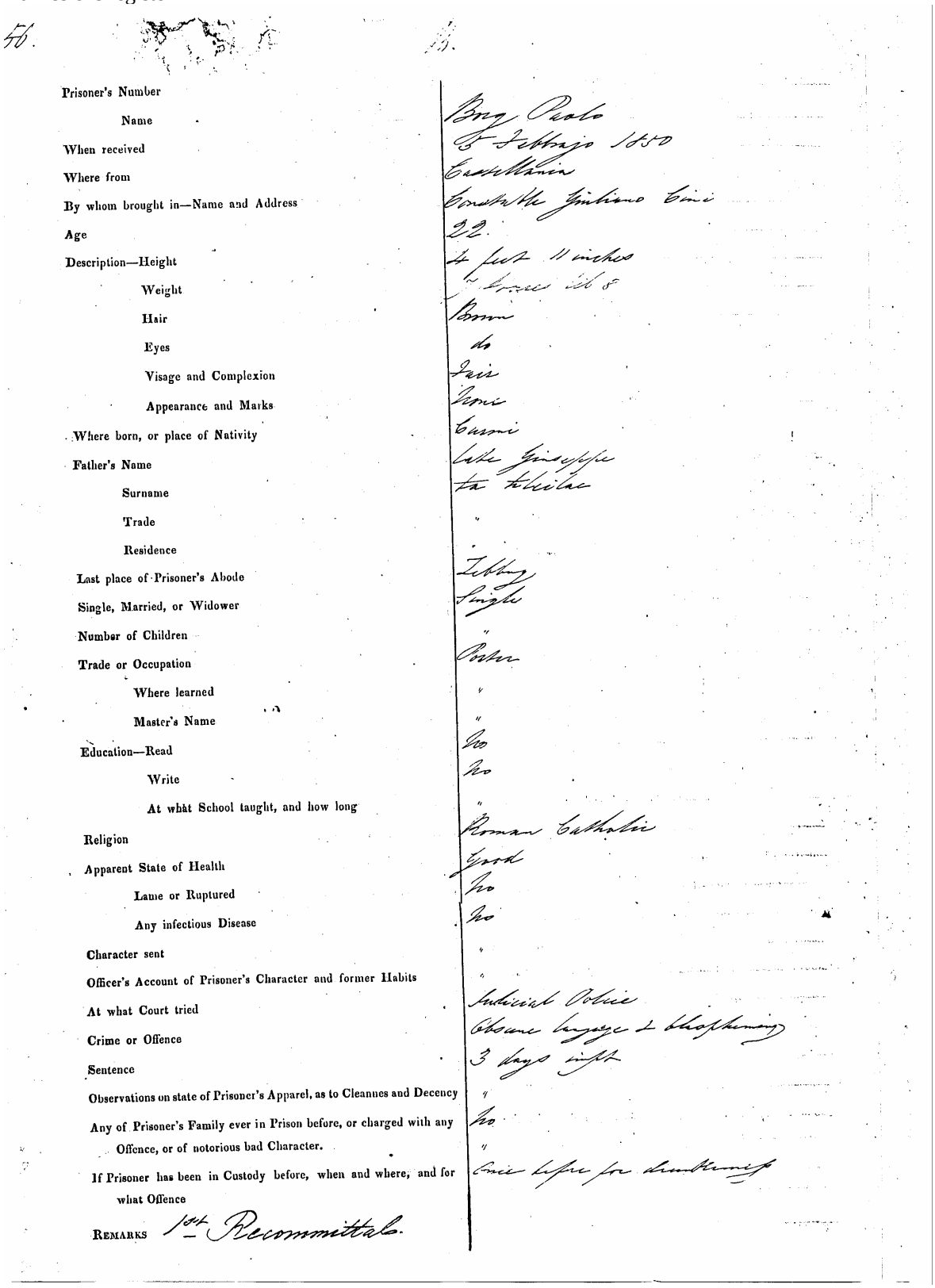
The archive, still in boxes

Sorting the ledgers

Selection of the prison admission ledgers

Appendix B: Sample of Documents

Admissions register



50.	51.
Prisoner's Number	
Name	Borg Paolo
When received	5 Febbrajo 1850
Where from	Castellania
By whom brought in—Name and Address	Constable Giuliano Lini
Age	22.
Description—Height	5 feet 11 inches
Weight	2 Stone 11 lb 8
Hair	Brown
Eyes	do
Visage and Complexion	Fair
Appearance and Marks	None
Where born, or place of Nativity	Casal
Father's Name	Luke Giuseppe
Surname	da Felicita
Trade	"
Residence	"
Last place of Prisoner's Abode	Zebbug
Single, Married, or Widower	Single
Number of Children	"
Trade or Occupation	Baker
Where learned	"
Master's Name	"
Education—Read	No
Write	No
At what School taught, and how long	"
Religion	Roman Catholic
Apparent State of Health	Good
Lame or Ruptured	No
Any infectious Disease	No
Character sent	"
Officer's Account of Prisoner's Character and former Habits	"
At what Court tried	Judicial Police
Crime or Offence	Obscene language & blasphemy
Sentence	3 days imp.t
Observations on state of Prisoner's Apparel, as to Cleanness and Decency	"
Any of Prisoner's Family ever in Prison before, or charged with any Offence, or of notorious bad Character.	No
If Prisoner has been in Custody before, when and where, and for what Offence	"
Remarks	Once before for drunkenness
	1st Recommittals.

131

Tot 168

DIRECTOR'S REPORT FOR Saturday 29th April, 1950.

RELEASED		Males		Females	
MORNING STATE	129	Males	2	Females	= 131
ADMITTED	3	Males	—	Females	+ 3

Carmel Pace (16 yrs) Leni Bartolo (14 10/12 yrs) & Joseph Camilleri (23 yrs)
Admitted under arrest at 1420 hrs (Warrant No 744)

PRISONERS UNDERGOING PUNISHMENT

Div. I.	P.D.	S.C.	Div. IV.	P.D.	S.C.
Div. II.	P.D.	S.C.	Div. V.	P.D.	S.C.
Div. III.	P.D.	S.C.	Div. VI.	P.D.	S.C.
			Div. VII.	P.D.	S.C.

Prisoners dealt with by Director for Prison offences

PROMOTION, ~~PRIVILEGES~~, etc. P: Sgt. Pisani, W Connell, A Blabor & P. Camilleri. 4 No's Middle Lock

4/Pr: Joseph Galea, escorted by P.C. 392 & Zammit attended Police H.Q. to be photoed, from 0830 hrs to 0930 hrs.

OUTDOOR LABOUR		Agriculture		Police Depot	
NIGHT STATE	132	Males	2	Females	= 134

INSPECTION by Director at 0950 hours

VISITORS _____ visited prison at _____ hours

Director.

8

DAILY REPORT BY PRINCIPAL OFFICER IN ACCORDANCE WITH PARAGRAPH No. 10 OF ORDER No. 4

Division No. 9 Jm P

1. This is to certify that to-day, the 18th November. 1950, I was in charge of my division and beg to report that:

(a) The rations were properly distributed in my presence;

(b) The cells were inspected by me at 08.00 A.M.. They were duly disinfected and are in good order;

(c) The W. C's, shower-baths, and all other places were inspected by me and found clean;

(d) At 06.30 a.m. — p.m., I found all lights in good order. They were properly switched off and all taps properly turned off;

(e) At 08.35 a.m. — p.m., I inspected all prisoners and found them properly dressed, shaved, and clean in every respect, in accordance with instructions. All prisoners have taken a bath in accordance with Regulations with the exception of those entered in the remarks column;

(f) All unused cells have been whitewashed and equipped ready for immediate occupation;

(g) All hurricane lamps clean and in good condition ready for immediate use in case of an emergency;

(h) The Notice-board, Information Board, and Inventory are up-to-date

(i) The weekly kit inspection was held on at and found all prisonsers in possession of all articles allowed to them by regulations and according to Inventory in their cells;

(j) All warders are properly dressed and carry out their duties in accordance with the Regulations;

(k) At 06.30 a.m. 04.30. p.m., I inspected the interior walls of the division and yard, before the unlocking of prisioners, and found no prohibited articles, ropes or other implements;

(l) At a.m. 02.35. p.m., I inspected Cell Number 5. occupied by 4. Serafa. for prohibited articles and duly recorded the result of my inspection in the Remarks Column; NIL

(m) At — all newly admitted prisoners were properly clothed, and instructed in the rules of the prisons;

(n) Q.I.C prisoners reported to see the Prison Medical Officer and after being medically treated, they returned to their work except those mentioned below, who were sent to the Infirmary or exempted from work;

(o) C prisoners detailed to attend Hospital were ready at 7.30 a.m. They were properly dressed, clean and shaved;

(p) All prisoners in my division proceeded to the place of work to which they have been detailed, except those entered in the remarks column, and these have been duly reported to the Chief Officer;

(q) All iron bars, window cells, gauze wire windows have been inspected and found that they have not been tampered with

cont...

Notes ALL DAMAGES CAUSED TO W.C.'s, SHOWER BATHS, BATHS, ELECTRIC SWITCHES, AND OTHER PROPERTY OR WATER LEAKAGES ARE TO BE ENTERED IN THE REMARKS COLUMN, IN THE OFFENDER IS NOT DETECTED, THE DAMAGE WILL BE MADE GOOD BY THE WARDER RESPONSIBLE AND THE DIRECTOR WILL NOT ACCEPT ANY PLEA OF EXCUSE;

all irregularities are to be entered in the Remarks Column and if any statements found incorrect, severe disciplinary action will be taken against the Officer signing this Certificate.

REMARKS

Every. thing in Order.

A/ Wdr J Galea and. Wdr. L. Borgeltes were on. Duty

B/ Washing and. General house cleaning were carried out in the morning.

C/ Book. B. and. Carpentry in Rogers

D/. Museum. Lecture Held. from 04.30 To 06.30

State 13 Y. P.

Principal Officer
i/c

D. of P.

Submitted.

C. O.

Seen

Director of Prisons.

Form No. 13

LOCKING REPORT FOR Monday 27th February 1950

DAY WATCH—MALES.

Division	Under arrest	Detention	H. L. & Impt. Lower Grade	H. L. & Impt. Middle Grade	H. L. & Impt. Upper Grade	Total	Warders who locked up the Prisoners	Remarks
1.	-	-	8	1	6	15	A. Micallef	- Impt.
2.			14	6	4	24	M. Borg	6 "
3.	-	1	24	4	17	49	L. Zammit	4 "
4.	14	4	-	-	-	18	O. Mifsud	- "
5.	-	-	-	-	-	-	M. Attard	- "
6.			5	4	4	13	J. Galea	- "
Infirmary					1	1	X. Grima	
Special ward								
Debtors						1		

NIGHT WATCH – MALES.

Name of Warder	On duty From	On duty To	No. of Prisoners Locked up in each Division		Total	Remarks
C. Agius	2100	0100	15	Div. 1		
A. Grima	2100	0100	24	" 2		
J. Psaila	0100	0630	49	" 3		
X. Galea	0100	0630	18	" 4		
			-	" 5		
			13	" 6		
			1	Inf.		
				Special Ward		
			1	Debtors	124	

DAY AND NIGHT WATCH—FEMALES (Div. VII).

Under arrest	Detention	H. L. & Impt. Lower Grade	H. L. & Impt. Middle Grade	H. L. & Impt. Upper Grade	Infirmary	Total	Warders who locked up the Prisoners	Remarks
			1	1		2	Theresa Grech Pia Farrugia	

DAY AND NIGHT WATCH – GOZO PRISON.

Under arrest	Detention	H. L. & Impt.				Total	Warders who locked up the Prisoners	Remarks
1						1	F. Vella T. Calleja	

Warders off Duty C. Farrugia - P. Wdr. P. Carabott
E. Farrugia

Warders absent on sick leave L. Vassallo

Warders absent on vacation leave F. Micallef

Polza tal-Kundanna
Conviction ticket

1. 8. 48.

Nru. tar-Reġistru
No. of Register

130
D

Qorti tal-Pulizija Ġudizzjarja għall-Ġżira ta' Malta.

Court of Judicial Police for the Island of Malta.

L. A. Vella
Maġistrat
Magistrate

Isem l-Ikkundannat
Name of convicted person

Joseph Farrugia

Data tas-sentenza
Date of sentence

2 · 7 · 43

Ikkundannat fuq
Convicted of

Serq

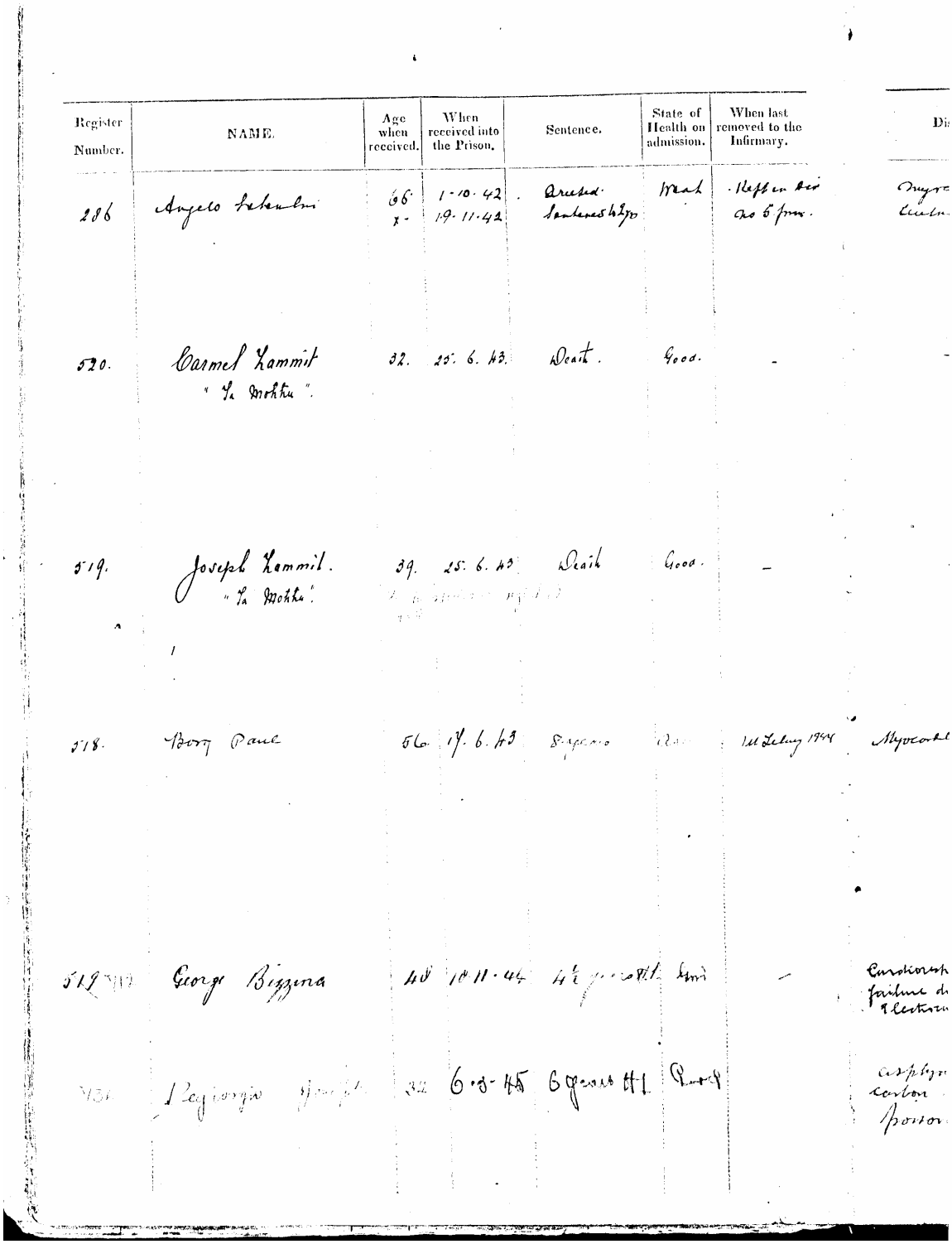
Piena
Punishment

xahar habs ifrugali

Fi 2 — 7 — 1943
This day of 19

Reġistratur.
Registrar.

Death Register



Register Number.	NAME.	Age when received.	When received into the Prison.	Sentence.	State of Health on admission.	When last removed to the Infirmary.	Di
286	Angelo Sebenelmi	66 x-	1-10-42 19-11-42	Arrested Sentenced 4 yrs	Weak	Left on Bail on 6 mon.	Myoca Cardia
520.	Carmel Lammit "Ta Mokka".	32.	25. 6. 43.	Death.	Good.	-	-
519.	Joseph Lammit. "Ta Mokka".	39.	25. 6. 43	Death	Good.	-	
518.	Borg Paul	56.	17. 6. 43	Bigamy	[illegible]	11 Feby 1944	Myocard
519 [illegible]	George Bizzena	40	18-11-44	4½ [illegible]	Sick	-	Cerebrosp failure d Electron
[illegible]	[illegible] Pegiorgio [illegible]	32	6-3-45	6 years H.L.	Sick		Asphyx Carbon Poison

cont…

Disease.	When died.	How long Sick.	GENERAL REMARKS.
Myocarditis Cerebral Oedema	20th July 1943	[illegible]	Prisoner was removed to Post House Ward in Hospital for Medical Treatment & he died after a fortnight of Pneumonia as revealed by the P. Mortem examination. D.B.A.
-	Hanged on the 5th July, 1943 @ 5.58 a.m.	-	Inquest held by Magistrate J. Wirth at 7 a.m. Buried at 1115 hours in the Prison Cemetery. Grave No. 14. Height 5'7" Weight 156 lbs. Depth. 6'5". D.B.A. 13/7.
-	Hanged on the 5th July, 1943 @ 0929 hrs.	-	Inquest held by Magistrate J. Wirth at 10.40 hours. Buried at 1115 hours in the Prison Cemetery. Grave No. 14. Height 5'5 3/8" Weight 156 lbs. Depth. 6'5". D.B.A. 13/7.
Myocarditis & Pneumonia	22.10.44	8 Months	Pte was removed to Hospital on the 1st inst. 1944, suffering from Myocarditis & Asthma. Died at the Hospital for Medical Treatment. P.M. examination held at Bayyo Hospital Pending. Cause of death Chronic failure from Chronic Myocarditis at 2 hrs 10.44. 1/10/44
Cardiorespiratory failure due to Electrocution.	[illegible]	Died instantaneously. P.M. performed [illegible] Cause of death [illegible]	
Asphyxia from carbon monoxide poisoning.	[illegible]	[illegible]	

Appendix C: Prison timetable in 1850 and 1860.

Prison Timetable in 1850

06:00 a.m.: A bell rings. The warders and prisoners rise from bed. The prisoners fold their hammocks, sweep the cells and clean themselves.
07:00 a.m.: Warders on night duty arrive inside the prison and unlock the prisoners' cells (This takes approximately 12 minutes).
07:15 a.m.: Prisoners go to chapel.
07:45 a.m.: Prisoners return to their cells and are locked up, with the exception of the jobbers who clean the offices, the school room, the chapel and so on. These also assist in bringing up breakfast.
08:30 a.m.: Breakfast, which would have been weighed before, is served. About this time the cook arrives from Floriana with the meat.
09:00 a.m.: Prisoners employed in general cleaning, stone-cutting and the other trades and instruction are let out of their cells. The rest are taken out for exercise, according to their class.
11:00 a.m.: Locking up of prisoners.
11:30 a.m.: Warders collect plates from prisoners to take them to the kitchen.
12:00 a.m.: Dinner is served.
01:00 p.m.: Warders go to the mess room and dine.
01:30 p.m.: Unlocking of cells.
02:00 p.m.: Catechism party goes to chapel, another party goes to the exercise yard, and another to work. The porter leaves the prison on prison business.
03:00 p.m.: Trade instruction begins. One of the warders goes to the chief warder with newly admitted prisoners. Another warder goes with the prisoners to the bathroom.
04:00 p.m.: While the trade instruction goes on, other warders prepare the lamps of the corridors and cells.
05:00 p.m.: General locking up of prisoners.
05:30 p.m.: Supper served to fourth and fifth class prisoners.
06:00 p.m.: Warders on night duty go for their supper.
06:30 p.m.: Lamps of the corridor and cells are lighted
07:00 p.m.: Warders on day duty finish their turn, those on night duty enter their name on the night duty roll.
08:00 p.m.: Chief warder makes the last inspection on the inside and outside of the prison.
08:30 p.m.: Chief warder delivers the prison keys to the Superintendent and the master key to the warders on night duty

(NAM, CCP/Quarterly Report by Superintendent: 1850)

Prison timetable in 1860

6:30 a.m.: Prisoners unlocked.
6:30 a.m.: Roman Catholic prisoners attend service.
7:00 a.m.: Breakfast is served.
After breakfast several prisoners where occupied in trades.
Noon: Prisoners returned to cells and served dinner.
2:00 p.m.: Prisoners unlocked for exercise.
4:00 p.m.: Prisoners returned to cell.
8:00 p.m.: Lights out.

(NAM, CCP/10/1)

Appendix D: Diet tables for 1850

Class	Day	Actual Diet		Proposed Changes	
First	**Every Day**	**Breakfast**	6 oz. bread, 1 pint soup	**Breakfast**	6 oz. bread, 1 pint soup
		Dinner	20 oz. bread	**Dinner**	20 oz. bread

Class	Day	Actual Diet		Proposed Changes	
Second	**Sundays, Carnival Tuesday and Public Holidays**	**Breakfast**	6 oz. bread, 1 pint soup	**Breakfast**	6 oz. bread 1 pint soup
		Dinner	20 oz. bread 1 oz. cheese	**Dinner**	20 oz. bread 1 oz. cheese
	Monday and Thursday	**Breakfast**	6 oz. bread, 1 pint soup	**Breakfast**	6 oz. bread 1 pint soup
		Dinner	20 oz. bread 1 ½ oz. salt fish and oil	**Dinner**	20 oz. bread 1 ½ oz. salt fish
	Tuesday and Friday	**Breakfast**	6 oz. bread, 1 pint soup	**Breakfast**	6 oz. bread 1 pint soup
		Dinner	20 oz. bread 2 oz. olives	**Dinner**	20 oz. bread 2 oz. olives
	Wednesday and Saturday	**Breakfast**	6 oz. bread, 1 pint soup	**Breakfast**	6 oz. bread 1 pint soup
		Dinner	20 oz. bread 1 oz. cheese	**Dinner**	20 oz. bread 1 oz. cheese

Class	Day	Actual Diet		Proposed Changes	
Third	**Sundays, Carnival Tuesday and Public Holidays**	**Breakfast**	6 oz. bread, ½ oz. cheese	**Breakfast**	6 oz. bread ½ pint coffee
		Dinner **Supper**	12 oz. bread 1 pint soup 8 oz. bread 4 oz. pork 1 pint soup	**Dinner**	20 oz. bread 4 oz. pork 1 pint soup
	Monday and Thursday	**Breakfast**	6 oz. bread ½ oz. cheese	**Breakfast**	6 oz. bread ½ pint coffee
		Dinner **Supper**	12 oz. bread 1 ½ pint soup 8 oz. bread 1 oz. salt fish and oil 3 olives	**Dinner**	20 oz. bread 1 pint soup 2 oz. cheese
	Tuesday and Friday	**Breakfast**	6 oz. bread, ½ oz. cheese	**Breakfast**	6 oz. bread ½ pint coffee
		Dinner **Supper**	12 oz. bread 1 ½ pint soup 1½ oz. cheese 8 oz. bread 3 oz. olives	**Dinner**	20 oz. bread 1 pint soup 3 oz. olives
	Wednesday and Saturday	**Breakfast**	6 oz. bread, ½ oz. cheese	**Breakfast**	6 oz. bread ½ pint coffee
		Dinner **Supper**	20 oz. bread 1 ½ pint soup 3 oz. olives 8 oz. bread ¾ oz. cheese	**Dinner**	20 oz. bread 1 pint soup 3 oz. olives

Class	Day	Actual Diet		Proposed Changes	
Forth	**Sundays, Carnival Tuesday and Public Holidays**	**Breakfast**	6 oz. bread, 1 oz. cheese	**Breakfast**	6 oz. bread 1 pint coffee
		Dinner **Supper**	12 oz. bread 1½ pint soup 8 oz. bread 5 oz. pork ½ pint soup	**Dinner**	20 oz. bread 5 oz. pork 1 pint soup
	Monday and Thursday	**Breakfast**	6 oz. bread 1 oz. cheese	**Breakfast**	6 oz. bread 1 pint coffee
		Dinner **Supper**	12 oz. bread 1 ½ pint soup 2 oz. cheese 8 oz. bread 3 oz. olives ½ pint soup	**Dinner**	20 oz. bread 1 pint soup 2½ oz. cheese
	Tuesday and Friday	**Breakfast**	6 oz. bread, 1 oz. cheese	**Breakfast**	6 oz. bread 1 pint coffee
		Dinner **Supper**	12 oz. bread 1 ½ pint soup 3 oz. salt fish with oz. oil 8 oz. bread ½ pint soup 3 oz. olives	**Dinner**	20 oz. bread 1 pint soup 4 oz. olives
	Wednesday and Saturday	**Breakfast**	6 oz. bread, 1 oz. cheese	**Breakfast**	6 oz. bread 1 pint coffee
		Dinner **Supper**	20 oz. bread 1 ½ pint soup 3 oz. olives 8 oz. bread ½ pint soup 1 oz. cheese	**Dinner**	20 oz. bread 1 pint soup 2½ oz. salt fish

Class	Day	Actual Diet		Proposed Changes	
Fifth	**Sundays, Carnival Tuesday and Public Holidays**	**Breakfast**	6 oz. bread, 1½ oz. cheese	**Breakfast**	6 oz. bread 1 pint coffee
		Dinner **Supper**	12 oz. bread 1½ pint soup 8 oz. bread 6 oz. pork 1 pint soup 1 ration fruit	**Dinner**	20 oz. bread 6 oz. pork 1 pint soup 1 ration fruit
	Monday and Thursday	**Breakfast**	6 oz. bread 1½ oz. cheese	**Breakfast**	6 oz. bread 1 pint coffee
		Dinner **Supper**	12 oz. bread 1 ½ pint soup 2½ oz. cheese 8 oz. bread 1 pint soup 4 oz. olives	**Dinner**	20 oz. bread 1 pint soup 2½ oz. cheese
	Tuesday and Friday	**Breakfast**	6 oz. bread, 1½ oz. cheese	**Breakfast**	6 oz. bread 1 pint coffee
		Dinner **Supper**	12 oz. bread 1 ½ pint soup 3½ oz. salt fish with oil 8 oz. bread 1 pint soup 4 oz. olives	**Dinner**	20 oz. bread 1 pint soup 2½ oz. cheese
	Wednesday and Saturday	**Breakfast**	6 oz. bread, 1½ oz. cheese	**Breakfast**	6 oz. bread 1 pint coffee
		Dinner **Supper**	20 oz. bread 1 ½ pint soup 4 oz. olives 8 oz. bread 1 pint soup 4 oz. olives	**Dinner**	20 oz. bread 1 pint soup 2 ½oz. salt fish

Source: NAM, Prison Regulations 1850 and NAM, CSG 04/22

Appendix E: Diet allowance for 1860 and 1870

	1860				1870[15]	
	Sunday, Xmas, Monday & Tuesday of Carnival	**Wednesday & Saturday**	**Tuesday & Friday**	**Monday & Thursday**	**Sunday Tuesday & Thursday (Wed)[16]**	**Monday (Wed) [17] Friday & Saturday**
Class 1	Breakfast 6 oz. bread Dinner 20oz. Bread 1pt. soup 3oz pork	Breakfast 6 oz. bread Dinner 20oz. Bread 1pt. soup 1½oz salt fish	Breakfast 6 oz. bread Dinner 20oz. Bread 1pt. soup 2oz. olives	Breakfast 6 oz. bread Dinner 20oz. Bread 1pt. soup 1oz. cheese	Breakfast 6oz. bread Dinner 12oz bread ½ pt soup Supper 6oz bread	Breakfast 6oz. bread Dinner 15oz bread 1 ration cheese, olives or salt fish Supper 6oz bread
Class 2	Breakfast 6 oz. bread ½ pt coffee Dinner 20oz. Bread 1pt. soup 4oz pork	Breakfast 6 oz. bread ½ pt coffee Dinner 20oz. Bread 1pt. soup 1½ oz. salt fish	Breakfast 6 oz. bread ½ pt coffee Dinner 20oz. Bread 1pt. soup 2 oz. olives	Breakfast 6 oz. bread ½ pt coffee Dinner 20oz. Bread 1pt. soup 1oz cheese	Breakfast 8oz. bread Dinner 12oz bread 1 pt soup Supper 8oz bread	Breakfast 8oz. bread Dinner 15oz bread 1 ration of cheese, olives or salt fish Supper 8oz bread
Class 3	Breakfast 6 oz. bread 1 pt coffee Dinner 24oz. Bread 1pt. soup 4oz pork	Breakfast 6 oz. bread 1 pt coffee Dinner 24oz. Bread 1pt. soup 2oz salt fish	Breakfast 6 oz. bread 1 pt coffee Dinner 24oz. Bread 1pt. soup 3oz olives	Breakfast 6 oz. bread 1 pt coffee Dinner 24oz. Bread 1pt. soup 1½ oz cheese		
Class 4	Breakfast 6 oz. bread 1 pt coffee Dinner 24oz. Bread 1pt. soup 5oz pork	Breakfast 6 oz. bread 1 pt coffee Dinner 24oz. Bread 1pt. soup 2½ oz salt fish	Breakfast 6 oz. bread 1 pt coffee Dinner 24oz. Bread 1pt. soup 4oz olives	Breakfast 6 oz. bread 1 pt coffee Dinner 24oz. Bread 1pt. soup 2oz cheese		
Class 5	Breakfast 6 oz. bread 1 pt coffee Dinner 24oz. Bread 1 ½ pt. soup 6oz pork	Breakfast 6 oz. bread 1 pt coffee Dinner 24oz. Bread 1 ½ pt. soup 2 ½ oz salt fish	Breakfast 6 oz. bread 1 pt coffee Dinner 24oz. Bread 1 ½ pt. soup 4oz olives	Breakfast 6 oz. bread 1 pt coffee Dinner 24oz. Bread 1 ½ pt. soup 2oz cheese		

Source: Adapted from NAM, Blue Book, 1860 and 1870

[15] In 1870 there were only 2 classes of prisoners. Those condemned for less than 3 weeks and those condemned for more. In the latter case a prisoner would first start on the diet of the first class after three weeks graduating to the second class.

[16] Second class only

[17] First class only.

Appendix F: Daily Routine according to the prison regulations of 1931

Daily routine: From 1st April to 30th September	
6:00 a.m.	Prisoners rise and breakfast
6.30 a.m.	Prisoners are unlocked and employed in trades and jobbing
9.30 a.m.	Prisoners in the lower grade are locked up and work in their cells up to 11:30 a.m.
10.30 a.m.	Prisoners in the middle grade are locked up and work in their cells up to 11:30 a.m.
11:00 a.m.	Prisoners in the upper grade are locked up
11:30 a.m.	Prisoners dine
1:00 p.m.	Prisoners in the lower and middle grades work in their cells
2:00 p.m.	Prisoners are unlocked and employed in trades and jobbing
4:00 p.m.	Prisoners in the lower grade are locked up and work in their cells from 5 to 7 p.m.
5:00 p.m.	Prisoners in the middle grade are locked up and work in their cells up to 7 p.m.
5:30 p.m.	Prisoners in the upper grade cease work and are locked up.
9:00 p.m.	Lights in the cells are put out

Source: Adapted from NAM, Prison Regulations 1931

Daily routine: From 1st October to 31st March	
6:00 a.m.	Prisoners rise and breakfast
7:00 a.m.	Prisoners are unlocked and employed in trades and jobbing
10.00 a.m.	Prisoners in the lower and middle grades are locked up and work in their cells up to 11:30 a.m.
11:30 a.m.	Prisoners in the upper grade are locked up
11:30 a.m.	Prisoners dine
1:00 p.m.	Prisoners are unlocked and employed in trades and jobbing
3:00 p.m.	Prisoners in the lower grade are locked up and work in their cells up to 6:30 p.m.
4:00 p.m.	Prisoners in the middle grade are locked up and work in their cells up to 6:30 p.m.
4:30 p.m.	Prisoners in the upper grade cease work and are locked up.
8:00 p.m.	Lights in the cells are put out

Source: Adapted from NAM, Prison Regulations 1931

During the summer months on Sundays and holidays prisoners are locked up as follows:
9:00 a.m. and 3:30 p.m. (prisoners in the lower grade);
10:00 a.m. and 4:30 p.m.(prisoners in the middle grade); and
11:00 a.m. and 5:30 p.m. (prisoners in the upper grade).

During the winter months locking up of prisoners is as follows:
9:30 a.m. and 2:30 p.m. (prisoners in the lower grade);
10:30 a.m. and 3:30 p.m. (prisoners in the middle grade); and
11:30 a.m. and 4:30 p.m. (prisoners in the upper grade).

Source: Adapted from Prison Regulations 1931

Appendix G: Disobedience and disciplinary action

1931		Careless at work	Failing to perform work	Making noise when locked up	Attempt/ Give unauthorised articles	Speaking when not authorised	Disobeyed wardens	Having unauthorised articles	Destroying prison property	Fighting / attempting to fight	Not being in assigned place	Smoking	Others	TOTAL
JAN	S.C.	2	1	1		12	7	3	2		1		3	32
	P.D.	1	2	2	1	2	4	5		2				19
	W/M	0												0
	Marks	0					2							2
	Grat.	2					2						1	5
	Adm.	0					1				1		1	3
FEB	S.C.		2			2	1	1					1	7
	P.D.	3	4			1	4	3						15
	W/M													0
	Marks													0
	Grat.													0
	Adm.	1												1
MAR	S.C.	4	3			3	2	2	1		1			16
	P.D.	2	1	1		2	5	6		1	3		1	22
	W/M	1					1							2
	Marks													0
	Grat.	1				1							1	3
	Adm.										1			1
APR	S.C.	5	1	1		4	1	5			1			18
	P.D.		2	2		5	6		1		1			17
	W/M	6					1							7
	Marks		1											1
	Grat.	1					1							2
	Adm.	2					1							3

1931		Careless at work	Failing to perform work	Making noise when locked up	Attempt/ Give unauthorised articles	Speaking when not authorised	Disobeyed wardens	Having unauthorised articles	Destroying prison property	Fighting / attempting to fight	Not being in assigned place	Smoking	Others	TOTAL
MAY	S.C.	4	2			1	5							12
	P.D.	2		2		2	1	4	1				2	14
	W/M	12				1	2							15
	Marks						1						2	3
	Grat.													0
	Adm.								1	2				3
JUN	S.C.	7	6			4	2	4	1		2			26
	P.D.	7	8			4	2	6	1		1			29
	W/M	10												10
	Marks													0
	Grat.												1	1
	Adm.	1					1	1			1		1	5
JUL	S.C.	1			1	2	4			1				9
	P.D.	2	2			2	2	2	2	1			1	14
	W/M	1	3				1			1	1			7
	Marks													0
	Grat.	1	1		1		4						1	8
	Adm.		5			4				1	2		1	13
AUG	S.C.	1		1		4								6
	P.D.	2		2		7	1	1		1	1		3	18
	W/M		1	1	1	2	1	2		2				10
	Marks						1					1		2
	Grat.	2					1	4						7
	Adm.	5				2	3	2			3		1	16

1931		Careless at work	Failing to perform work	Making noise when locked up	Attempt/ Give unauthorised articles	Speaking when not authorised	Disobeyed wardens	Having unauthorised articles	Destroying prison property	Fighting / attempting to fight	Not being in assigned place	Smoking	Others	TOTAL
SEP	S.C.					2	1							3
	P.D.			1		5			1		1			8
	W/M	2									2			4
	Marks													0
	Grat.	1	1	2		1	1	3						9
	Adm.					2	2	1			1			6
OCT	S.C.	2		1		3	1	2	1		1			11
	P.D.	2					1	1	2				1	7
	W/M	3												3
	Marks						1							1
	Grat.							3						3
	Adm.						1	2		1				4
NOV	S.C.	1		1		1	4	1	1					9
	P.D.	1				8	1	4		3			1	18
	W/M	2					1							3
	Marks	1												1
	Grat.												2	2
	Adm.										1			1
DEC	S.C.					6		1		2			1	10
	P.D.		1			1	1	1		1			1	6
	W/M													0
	Marks	2					1							3
	Grat.	1												1
	Adm.					1								1

1941		Careless at work	Failing to perform work	Making noise when locked up	Attempt/ Give unauthorised articles	Speaking/ shouting/ swearing	Disobeyed wardens	Having unauthorised articles	Destroying prison property	Fighting / attempting to fight	Not being in assigned place	Smoking	Others	TOTAL
JAN	S.C							1						1
	P.D									1				1
	W/M				1	1	1	2		5				10
	Marks											2		2
FEB	S.C													0
	P.D			2		1	1							4
	W/M							1					1	2
	Marks	1		4		3	1	1		2	1		1	14
	P.O							1						1
MAR	S.C							1			1			2
	P.D			2		1		1	1			2		7
	W/M					1	1	3	1		1	1		8
	Marks			2		5	2			1	2	1	1	14
	P.O							1	1					2
APR	S.C					4	3		2					9
	P.D		2	5	2	3	3	4	4	1				24
	W/M			1		3	2		1	2				9
	Marks			3		2				1				6

1941		Careless at work	Failing to perform work	Making noise when locked up	Attempt/ Give unauthorised articles	Speaking/ shouting/ swearing	Disobeyed wardens	Having unauthorised articles	Destroying prison property	Fighting / attempting to fight	Not being in assigned place	Smoking	Others	TOTAL
MAY	S.C			1			2			1				4
	P.D		2	6		10	3			2	1			24
	W/M			8	2	4	1	6	1		1			23
	Marks					5	1	2				1		9
	Grat.								1					1
	P.O						1							1
JUN	S.C						2			4	1			7
	P.D		1	4	2	2	1	1	4	1	1			17
	W/M				1	2	1	6			2			12
	Marks		1	3		3	3	1		4				15
	Grat.			1					1					2
JUL	S.C			1		1		1	2		1			6
	P.D			3	1	9	5	4	6		2	6		36
	W/M	5		8	1	10	3	7	2	5	5	1		47
	Marks	1	1	3	1	9	4	2		2	1			24
	Grat.			2					1					3
	Adm.	1												1
AUG	S.C.			2					1	1				4
	P.D.		1		1	15	1	1	3	7	1	1		31
	W/M			6		9	4	3	1	2	1		2	28
	Marks			1		1	3	3		2		1		11

Source: Adapted from NAM, CCP/Punishment Books 1931 and 1941

1941		Careless at work	Failing to perform work	Making noise when locked up	Attempt/ Give unauthorised articles	Speaking/ shouting/ swearing	Disobeyed wardens	Having unauthorised articles	Destroying prison property	Fighting / attempting to fight	Not being in assigned place	Smoking	Others	TOTAL
SEP	S.C							2						2
	P.D					1		1		1				3
	W/M			4		3	2	2		1			1	13
	Marks						2			2		1	1	6
OCT	S.C	-		1		3	2				1			7
	P.D	1	1		2	4	3	7	2	1	1			22
	W/M		1	1	2	4	5	5		3	3		2	26
	Marks					1	1	4	1	1	1	1	3	13
NOV	S.C		1		1	1	2		1		1	1		8
	P.D					2		2		2	3	1		10
	W/M			1	2	6	3	3		3			2	20
	Marks		1	1	1		2	1				3		9
	P.O											1		1
DEC	S.C						1			1			2	4
	P.D	1			1	3			6		1	2	1	15
	W/M		1	1		6	4	4		12	5			33
	Marks			4		1	5	1			1			12
	Grat.								1					1

S.C – solitary confinement
P.D – prison diet
W/M – without mattress
Marks – deprivation of marks or lowering in grade
Grat – Removal of Gratuities
Adm – Admonition
P.O – sentence put off to a later date

Appendix H: Scale of Dietary

Scale A: Dietary for male prisoners during the first month of confinement

Articles of food	Distribution during the week	Quantity
Bread	Daily	20 oz.
Paste or rice	Sundays	4 oz.
Beef or Pork	Sundays	4 oz.
Salt Fish or Olives or Cheese	Monday to Saturday	2 oz.
Vegetables (including potatoes)	Sundays	½ rotolo
Coffee	Daily	½ oz
Oil for salt fish or olives		1/40 pint

This issue does not apply to persons sentenced to detention

Scale B: Dietary for male prisoners after their first month of confinement

Articles of food	Distribution during the week	Quantity
Bread	Daily	30 oz.
Paste or Rice	Daily	4 oz.
Beef or Pork	Sundays, Tuesday and Thursday	4 oz.
Salt Fish or Olives or Cheese	Monday, Wednesday, Friday, Saturday	2 oz.
Vegetables (including potatoes)	Daily	½ rotolo
Coffee	Daily	½ oz
Sugar	Daily	½ oz
Tea	Daily	¼ oz. #
Sugar	Daily	½ oz. #
Milk	Daily	4 oz. #
Oil for soup or Suet for soup	4 days in a week	1/100 pint ½ oz.
Oil for salt fish or olives		1/40 pint
Dry Beans, Lentils, etc,	4 days in a week	0.008 mond.

* Prisoners under detention will receive only 24 ounces bread.
# This issue does not apply to persons sentence to detention

Scale C: Persons awaiting trial and criminal debtors

Articles of food	Distribution during the week	Quantity
Bread	Daily	20 oz.
Paste or Rice	Daily	4 oz.
Beef or Pork	Sundays, Tuesday and Thursday	4 oz.
Salt Fish or Olives or Cheese	Monday, Wednesday, Friday, Saturday	2 oz.
Vegetables (including potatoes)	Daily	½ rotolo
Coffee	Daily	½ oz
Sugar	Daily	½ oz
Tea	Daily	¼ oz.
Sugar	Daily	½ oz.
Milk	Daily	4 oz.
Oil for soup or Suet for soup	4 days in a week	1/100 pint ½ oz.
Oil for salt fish or olives		1/40 pint
Dry Beans, Lentils, etc,	4 days in a week	0.008 mond.

Scale D: Punishment diet for male, female and juvenile prisoners

Articles of food	For a period not exceeding 3 days	Quantity
Bread	Daily	20 oz.

Scale E: For prisoners under medical diet

Full Diet		
Breakfast	Coffee or tea Bread	½ pint 2 ½ oz.
Dinner	Beef Bread Paste or Rice Broth	¼ rotolo ½ rotolo 2 oz. 1 pint
Supper	Broth # Paste or Rice	1 pint 2 oz.
Half diet		
Breakfast	Coffee or tea Bread	½ pint 2 ½ oz.
Dinner	Beef Bread Paste or Rice Broth	1/8 rotolo ¼ rotolo 2 oz. 1 pint
Supper	Broth # Paste or Rice	1 pint 2 oz.
Spoon Diet		
Breakfast	Coffee or tea	½ pint
Dinner	Broth#	1 pint
Supper	Coffee or tea	½ pint

*½ pint shall contain ½ oz. raw coffee or ¼ tea and ½ oz. sugar.
The broth for spoon diet is the same as that for full or half diet. That for supper is made out of the bones that remain in the morning with the addition of one rotolo of beef for every twenty patients.

Scale F: Female and juvenile diet

Articles of food	Distribution during the week	Quantity
Bread	Daily	20 oz.
Paste or Rice	Daily	4 oz.
Beef or Pork	Sundays, Tuesday and Thursday	4 oz.
Salt Fish or Olives or Cheese	Monday, Wednesday, Friday, Saturday	2 oz.
Vegetables (including potatoes)	Daily	½ rotolo
Coffee	Daily	½ oz
Sugar	Daily	½ oz
Tea	Daily	¼ oz. #
Sugar	Daily	½ oz. #
Milk	Daily	4 oz. #
Oil for soup or Suet for soup	4 days in a week	1/100 pint ½ oz.
Oil for salt fish or olives		1/40 pint
Dry Beans, Lentils, etc,	4 days in a week	0.008 mond.

* The bread ration for adult female prisoners sentenced to hard labour or imprisonment will be increased by six ounces daily after their first month of confinement.
# This issue is applicable only to prisoners sentences to hard labour or imprisonment after their first month of confinement.
Source: NAM, Prison Regulations, 1931

Bibliography

Abercombie, N. Hill, S. and Turner, B.S. (Eds.). (1988). Dictionary of sociology. London: Penguin Books.

Adler, F., Mueller, G.O.W. and Laufer, W.S. (1995). Criminology (2nd Ed.) New York: McGraw-Hill Inc.

Allen, F.A. (1998). The decline of the rehabilitative ideal. In A. von Hirsch and A. Ashworth (Eds.). (Second edition). Principled sentencing: Readings on theory and policy. (pp. 14-19). Oxford: Hart Publishing.

Attard, E. (1994). Il-pulizija ta' Malta: 1814-1956. Malta: Palprint Press.

Attard, E. (2000). Il-habs: L-istorja tal habsijiet f'Malta mill-1800. Malta: Palprint Press.

Bagaric, M. (2001). Punishment and sentencing: A rational approach. London: Cavendish.

Barrett, A. and Harison, C. (Eds.). (1999). Crime and punishment in England: A sourcebook. London: UCL Press.

Beattie, J.M. (1984). Violence and society in early modern England. In A. Doob and E. Greenspan (Eds.). Perspectives in criminal law. London: Aurora Press:

Beccaria, C. (1764). On crimes and punishment. Translated from 'Dei delitti e delle pene'. Second edition (1992). International pocket library: Boston, USA.

Becker, H. (1963). Outsiders: Studies in the sociology of deviance. In J. Muncie, E. McLaughlin and M. Langan (Eds.). (1996). Criminological perspectives: A reader. (pp. 214-223). London: Sage Publications Ltd.

Bentham, J. (1875). An introduction to the principles of morals and legislation. London: University of Oxford Press.

Bezzina, J. (1988). Church and state in an island colony. In V. Mallia Milanes (ed.). The British Colonial Experience 1800-1964: The Impact on Maltese Society. (pp. 47-78). Malta: Mireva Publications.

Bogner, W (1916). Criminality and economic conditions. In J. Muncie, E. McLaughlin and M. Langan (Eds.). (1996). Criminological perspectives: A reader. (pp.40-46). London: Sage Publications Ltd.

Bondin, R. (1980). Deportation, 1942: The internment and deportation of Maltese nationalists. Malta: Rama Publications.

Bonnici, A. (2002). Is-sorijiet tal-karita` u l-hidma taghhom f'Malta. Malta: P.E.G.Ltd.

Borg, C and Mayo, P (1994) The Maltese community in metro Toronto. In R.G. Sultana and G. Baldacchino (Eds.) Maltese society: A sociological inquiry. (pp. 211-223) Malta: Mireva Publications

Box, S. (1987). Crime, power and ideological mystification. In J. Muncie, E. McLaughlin and M. Langan (Eds.). (1996). Criminological perspectives: A reader. (pp. 245-256). London: Sage Publications Ltd.

Brame, R. and MacKienzie, D.L. (1996). Shock incarceration and positive adjustment during community supervision: A multisite evaluation. USA: NIJ Report.

Camilleri, F. (1997). Women in the labour market: A Maltese perspective. Malta: Mireva Publications.

Carlen, P. (1997). Crime, inequality and sentencing. In A. Duff and D. Garland (Eds). A reader on punishment. (pp. 306-332). Oxford : Oxford University Press.

Cassar, C. (1988). Everyday life in Malta in the nineteenth and twentieth centuries. In V. Mallia Milanes (ed.). The British Colonial Experience 1800-1964: The Impact on Maltese Society. (pp.91-126). Malta: Mireva Publications.

Cassar, P. (1964). Medical history of Malta. London: William Clowes and Sons Ltd.

Cavadino, M. and Dignan, J. (1998). Reparation, retribution and rights. In A. von Hirsch and A. Ashworth (Eds.). (Second edition). Principled sentencing: Readings on theory and policy. (pp. 348-58). Oxford: Hart Publishing.

Central Office of Statistics (1986). Census, 1985: A demographic profile of Malta and Gozo. Malta: Government Press.

Chambliss, W and Seidman, R. (1971). Law order and power. Reading: Addison-Wesley.

Clare, A.G. (1988). Features of an economy island. In V. Mallia Milanes (ed.). The British Colonial Experience 1800-1964: The Impact on Maltese Society. (pp. 127-155). Malta: Mireva Publications.

Cloward, R. and Ohlin, L. (1961). Delinquency and opportunity: A theory of delinquent gangs. London: Routledge.

Cohen, A. (1956). Delinquent boys: The culture of the gang London: Routledge.

Cohen, S. (1979). The punitive city. In J. Muncie, E. McLaughlin and M. Langan (1998). Criminological perspectives: A reader. (pp. 399-412). London: Sage Publication.

Cubbon, B (1989). Historical address at the Australian bicentennial international congress on corrective services, 1988. In J. Reynolds and U. Smartt (1996). Prison policy and practice. (pp. 54-58) UK: HMP Leyhill.

Cullen, F.T. and Gilbert, K.E. (1982). The value of rehabilitation. In J. Muncie, E. McLaughlin and M. Langan (1998). Criminological perspectives: A reader. (pp.325-331). London: Sage Publication.

Dalton, K. (1971). 'The premenstrual syndrome' Illinois: Charles C. Thomas.

Debono P.P. (1897). Sommario della storia della legislazione in Malta. Malta: Malta Press.

DePew, J.N. (1991). Library, media and archival preservation: A handbook ABC-CLIO, Oxford: Oxford Publication Press.

Dubbini, R. (1986). Architettura delle prigioni: I luogi e il tempo della punizione (1700-1880). Milano: Franco Angeli Libri s.r.l.

Duff, A and Garland D. (1994). Introduction: Thinking about punishment. In A. Duff and D. Garland (Eds.). A reader on punishment. Oxford: Oxford University Press.

Durkheim, E. (1893). The division of labour in society. Translated by W. D. Halls (1984).London: Macmillan.

Durkheim, E. (1895). The normal and the pathological. In J. Muncie, E. McLaughlin and M. Langan (1998). Criminological perspectives: A reader. (pp. 47-50). London: Sage Publication.

Durkheim, E. (1902). Two laws of penal evolution. In S. Lukes and A Scull (Eds.). (1983). Durkheim and the law. Oxford: Oxford University Press.

Eley, G. (1980) Some recent trends in social history. In G.G. Iggers and H.T. Parker (Eds.) International handbook of historical studies: Contemporary research and theory. (pp. 55-70). London: Methuen and Company Limited.

Elias, N. (1939). The civilisation process: ii. State Formation and Civilisation. Oxford: Oxford University Press.

Fanfani, P. (1898). Vocabolario della lingua Italiana. Florence: Fiorentino Publishers.

Farrington, D.P. (1994). Human development and criminal careers. In M.Maguire, R. Morgan and R. Reiner, (Eds.) The Oxford handbook of criminology. (pp.511-584) Oxford: Clarendon Press: Oxford, UK.

Faugeron, C. (1998). Prison: Between the law and social action. In V.Ruggiero, N. South and I. Taylor (Eds.). The new European criminology: Crime and social order in Europe. (pp. 104-118). London: Routledge.

Ferri, E. (1878). Causes of criminal behaviour. In J. Muncie, E. McLaughlin and M. Langan (1998). Criminological perspectives: A reader. (pp. 34-39). London: Sage Publication.

Flanagan, T.J., Marquart, J.W. and Adams, K.G. (1998). Incarceration of criminals: Prisons and jails in social and organisational context. Oxford: Oxford University Press.

Forsythe, W.J. (1990). Penal discipline, reformatory projects and the English prison commission, 1895-1939. Exeter: University of Exeter Press.

Foucault, M. (1977). Discipline and punishment: The birth of the prison. (Traslated by Alan Sheridan). London: Penguin Books.

Frendo, H (1979). Party politics in a fortress economy: The Malta Experience. Malta: The Malta Press.

Frendo, H (1988). Maltese colonial identity: Latin Mediterranean or British Empire? In V. Mallia Milanes (ed.). The British Colonial Experience 1800-1964: The Impact on Maltese Society. (pp. 185-214). Malta: Mireva Publications.

Freud, S. (1933). New introductory lectures on psychoanalysis. New York: W.W. Norton.

Fyfe, J.J., Greene, J.R., Walch W.F., Wilson, O.W. and McLaren, R.C. (1997). Police administration. (5th Edition). New York: The McGraw Hill Companies, Inc.

Ganado, H. (1974a). Rajt Malta tinbidel: L-ewwel ktieb. Malta: Il-Hajja.

Ganado, H. (1974b). Rajt Malta tinbidel: It-tieni ktieb. Malta: Il-Hajja.

Ganado, H. (1975). Rajt Malta tinbidel: It-tielet ktieb. Malta: Il-Hajja.

Ganado, H. (1977). Rajt Malta tindidel: Ir-raba' ktieb. Malta: Il-Hajja.

Garland, D. (1985). Punishment welfare: A history of penal strategies. Adershot: Gover.

Garland, D (1990). Punishment and Modern Society: A study of social theory. Oxford: Clarendon Press.

Garland, D. (2001). The culture of control: Crime and social order in contemporary society. Oxford: Oxford University Press.

Garland, D. and Duff, A. (1994). A reader on punishment. Oxford University Press: Oxford, UK.

Garofalo (1914). Criminology Reprinted by Patterson Smith (1968). New Jersey: Montclair.

Gauci, A. (1996). Mistiden tar-re. Malta: Masprint.

Guillaumier, A. (1972). Bliet u rhula Maltin. Malta: Malta Press.

Haines, K and Drakeford, M. (1998). Young people and youth justice. London: Macmillan Press.

Hakim, C. (1983). Research based on administrative records. Sociological Review 31/3, 489-519.

Hall, C.S. and Lindzey, G. (1985). Introduction to theories of personality. New York: John Wiley and Sons.

Heffernan, W.C. and Kleinig, J. (Eds.). (2000). From social justice to criminal justice: Poverty and the administration of criminal law. Oxford: Oxford University Press.

Heidensohn, F. (1994). Gender and crime. In M.Maguire, R. Morgan and R. Reiner, (Eds.) The Oxford handbook of criminology. (pp. 997-1040) Oxford: Clarendon Press: Oxford, UK.

Hirschi, T. (1969). Causes of delinquency. Berkeley: University of California Press.

Hirst, P (1997). The concept of punishment. In A. Duff and D. Garland (Eds). A reader on punishment. (pp. 261-280). Oxford University Press, Oxford: UK.

Hirst, P.Q. (1975). Durkheim, Bernard and epistemology. London: Routledge and Kegan Paul.

Ignatieff, M. (1978). A just measure of pain: The penitentiary in the industrial revolution 1750-1850. London: The Macmillan Press.

Irwin, J. (1990). The Jail: Managing the underclass in American society. London: Berkeley.

Josephson J.R. and Josephson S.G. (1994). Abductive inference: Computation, philosophy and Technology. Cambridge: Cambridge University Press.

Klein, D. (1973). The aetiology of female crime. . In J. Muncie, E. McLaughlin and M. Langan (1998). Criminological perspectives: A reader. (pp. 160-186). London: Sage Publication.

Kropotkin, P. (1898). Law and authority. . In J. Muncie, E. McLaughlin and M. Langan (1998). Criminological perspectives: A reader. (pp. 51-55). London: Sage Publication.

Laing, J.M. (1999). Care or custody? Mentally disordered offenders in the Criminal Justice System. Oxford: Oxford University Press.

Lea, J. and Young, J. (1984). Relative deprivation. In J. Muncie, E. McLaughlin and M. Langan (1998). Criminological perspectives: A reader. (pp. 136-144). London: Sage Publication.

Lee, H.I. (1964). British policy towards religion, ancient laws and customs in Malta. Malta: Melita Historica 4 (1).

Loader, I. (1996). Youth, policing and democracy. London: Macmillan Press.

Lombroso, C. and Ferrero, W. (1895). The criminal type in women and its atavistic origin. . In J. Muncie, E. McLaughlin and M. Langan (1998). Criminological perspectives: A reader. (pp. 29-33). London: Sage Publication.

Macdonald, K. and Tipton C (1994) Using documents. In N.Gilbert (Ed) Researching social life. (pp. 187-200). London: Sage Publications.

Margotta, R. (1968). An illustrated history of medicine. Middlesex: The Hamlyn Publishing Group.

Marx, K. (1893). Social classes and conflict. In K. Thompson and J. Tunstall (1971). Sociological perspective. (pp. 245-249). Aylesbury: The Open University Press.

Marx, K. (1946). Existence and consciousness. In K. Thompson and J. Tunstall (Eds.). (1971). Sociological perspective. (pp. 46-49). Aylesbury: The Open University Press.

Marx, K. (1977). Capital: A critique of political economy: Volume 3. London: Lawrence and Wishart.

Marx, K.and Engles, F (1848). Bourgeois and proletarians. In K. Thompson and J. Tunstall (Eds.). (1971). Sociological perspective. (pp. 237-244). Aylesbury: The Open University Press.

Matthews, R. (1999). Doing time: An introduction to the sociology of imprisonment. London: Macmilan Publishing Press.

McConville, S. (1998). The Victorian Prison: England, 1865-1965. In N. Morris and D.J. Rothman (Eds.). The Oxford history of the prison: The practice of punishment in western society. (pp. 117-150). Oxford: Oxford University Press.

McGowen, R. (1998). The well-ordered prison: England, 1780-1865. . In N. Morris and D.J. Rothman (Eds.). The Oxford history of the prison: The practice of punishment in western society. (pp. 71-99). Oxford: Oxford University Press.

Merton, R.K. (1938). Social structure and anomie. American Sociological Review 3, 672-682.

Miller, W. (1958). Lower class culture and a generating milieu of gang delinquency. Journal of Social Issues 3, 5-19.

Morris, N. (1998). The contemporary prison: 1965-present. . In N. Morris and D.J. Rothman (Eds.). The Oxford history of the prison: The practice of punishment in western society. (pp.202-234) Oxford: Oxford University Press.

Morris, N. and Rothman, D.J. (1998). Introduction. In N. Morris and D.J. Rothman (Eds.). The Oxford history of the prison: The practice of punishment in western society. (pp.VII-XIV). Oxford: Oxford University Press.

O'Brien, P. (1998). The prison on the Continent: Europe, 1865-1965. In N. Morris and D.J. Rothman (Eds.). The Oxford history of the prison: The practice of punishment in western society. (pp.178-201). Oxford: Oxford University Press.

O'Connell, J.P. (Ed.). (1959). The holy family bible. UK: Harwin Press.

Parker, H.T. (1980) Concluding Observations. In G.G. Iggers and H.T. Parker (Eds.) International handbook of historical studies: Contemporary research and theory. (pp. 433-436). London: Methuen and Company Limited.

Patterson, A. (1944). On the treatment of the offender in the Maltese island. Malta: Government Printing Office.

Peak, K.J. (1995). Justice administration: Police, courts and corrections. New Jersey: Prentice Hall.

Pearson, G. (1994). Youth, crime and society. In M.Maguire, R. Morgan and R. Reiner, (Eds.) The Oxford handbook of criminology. (pp. 1161-1206) Oxford: Clarendon Press: Oxford, UK.

Peters E.M. (1998). Prison before the prison: The ancient and medieval worlds. In N. Morris and D.J. Rothman (Eds.). The Oxford history of the prison: The practice of punishment in western society. (pp. 3-43). Oxford: Oxford University Press.

Phillips, R.L. and McConnell, C.R. (1996). The effective corrections manager: Maximising staff performance in demanding times. Maryland: Aspen Publications.

Pratt, J. (1999). Norbert Elias and the civilised prison. In British Journal of Sociology (50 (2), 271-296.

Pratt, J. (2000). Emotive and ostentatious punishment: Its decline and resurgence in modern society. In Punishment and Society, 2 (4), 417-439.

Pratt, J. (2002). Punishment and civilization. London: Sage Publications.

Priestley, P. (1999). Victorian Prison Lives: English prison biography 1830-1914. London: Pimlico.

Pushukanis, E.B. (1978). Law and Marxism: A general theory. London, UK.

Quetelet, A. (1842). Of the development of the propensity to crime. In J. Muncie, E. McLaughlin and M. Langan (1998). Criminological perspectives: A reader. (pp. 14-28). London: Sage Publication.

Rawlings, P. (1999). Crime and power: A history of criminal justice 1688-1998. London: Longman Press.

Rawlings, P. (2002). Policing: A short history. Devon: Willan Publishing.

Richards, D. (1982). An illustrated history of modern Europe 1789-1974. Essex: Longman.

Rothman, D.J. (1998). Perfecting the prison: United States, 1789-1865. In N. Morris and D.J. Rothman (Eds.). The Oxford history of the prison: The practice of punishment in western society. (pp. 100-116). Oxford: Oxford University Press.

Rotman, E. (1998). The Failure of reform: United States, 1865-1965. In N. Morris and D.J. Rothman (Eds.). The Oxford history of the prison: The practice of punishment in western society. (pp. 151-177). Oxford: Oxford University Press.

Runciman, W.G. (1966). Relative deprivation and the concept of reference group. In K. Thompson and J. Tunstall (Eds.). (1971). Sociological perspective. (pp. 299-315). Aylesbury: The Open University press.

Rusche, G. (1933). Labour market and penal sanction: Thoughts on the sociology of criminal justice. In T. Pratt and P. Takagi (Eds.). (1980). Punishment and penal discipline: Essays on the prison and the prisoners' movement. (pp. 3-16). Berkeley: Crime and Social Justice Associates.

Rusche, G. and Kirchheimer, O. (1939). Punishment and social structure. Colombia: Russell and Russell.

Savelsberg, J. J. (1999). Knowledge, domination and criminal punishment revisite: Incorporating state socialism. Punishment and Society: The International Journal of Penology Volume 1(1), 45-70.

Scicluna, S. (2000). Malta. In A. M. van Kalmthout and J. T. M. Derks (Eds). Probation and Probation Services: A European Perspective. The Netherlands: Wolf Legal Publishers.

Scott, J (1990). A matter of record. Cambridge: Polity Press.

Selby, M.F.G. (1979). Subject of enquiry – A Victorian commentary on a modern dilemma. In J. Reynolds and U. Smartt (Eds.). (1996). Prison policy and practice. (pp. 23-37). HMP Leyhill, UK.

Shaw, C. and McKay, H. (1942). Juvenile delinquency and urban areas. Chicago: University of Chicago Press.

Shearing, C.D. and Stenning, P.C. (1985). From the panopticon to Disney world: The development of discipline. In J. Muncie, E. McLaughlin and M. Langan (1998). Criminological perspectives: A reader. (pp.413-422). London: Sage Publication.

Sim, J. (1990). Medical power in prisons: The prison medical service in England 1774-1989. Philadelphia: Open University Press.

Soler, E. (1986). The king's guests in Uganda: From internment to independence. Malta: Lux Press.

Spierenburg, P. (1984). The spectacle of suffering: Executions and the evolution of repression. Cambridge: Cambridge Press.

Spierenburg, P. (1998). The body and the state: Early modern Europe. In N. Morris and D.J. Rothman (Eds.). The Oxford history of the prison: The practice of punishment in western society. (pp. 151-177). Oxford: Oxford University Press.

Sutherland, E. (1924). Criminology Philadelphia: Lippincott.

Thomas, J. E. (1972). The English prison officer since 1850: A study in conflict. London: Routledge and Kegan Paul.

Vagg, J. (1996). Prison systems: A comparative study of accountability in England, France, Germany and The Netherlands. Oxford: Clarendon Press.

Van Zyl Smit, D and Dunkel F (Eds). (1999). Prison Labour: Salvation or Slavery? Cornwall: MPG Books Ltd, Bodmin.

Vanstone, M. (2001). Making sense of probation: A history of professional discourse. Unpublished doctoral dissertation: Centre for Applied Social Studies, School of Social Sciences and International Development, University of Wales, Swansea.

Vold, G. (1958). Theoretical criminology. (1st edition). Oxford: Oxford University Press.

Vold, G.B. and Bernard, T.J (1986). Theoretical Criminology (3rd Edition). Oxford: Oxford University Press.

Von Hirsch A. (1998). The problem of false positives. In A. von Hirsch and A. Ashworth (Eds.). (Second edition). Principled sentencing: Readings on theory and policy. (pp.98-103). Oxford: Hart Publishing.

Walker, N. (1991). Why punish? Theories of punishment reassessed. Oxford: Oxford University Press.

Walker, N. (1994). Reductivism and deterrence. In A. Duff and D. Garland (Eds.). A reader on punishment. (pp. 210-217). Oxford: Oxford University Press.

Weber, M. (1922a). Power and bureaucracy. In K. Thompson and J. Tunstall (Eds.). (1971). Sociological perspective. (pp.67-79). Aylesbury: The Open University Press.

Weber, M. (1922b). Class status and party. In K. Thompson and J. Tunstall (Eds.). (1971). Sociological perspective. (pp. 250-264). Aylesbury: The Open University Press.

Willis, A. (1981). The future of corrections. In H. Jones (Ed.). Society against crime: Penal practise in modern Britain. (pp.255-284). Middlesex: Penguin Books.

Wolfgang, M. and Ferracuti, F. (1967). The subculture of violence: Towards an integrated theory in criminology. London: Tavistock.

Zammit, E.L (1988). Aspects of British Colonial Policies and Maltese Patterns of Behaviour. In V. Mallia Milanes (ed.). The British Colonial Experience 1800-1964: The Impact on Maltese Society. (pp.163-184). Malta: Mireva Publications.

Zedner, L. (1994). Victims. In M.Maguire, R. Morgan and R. Reiner, (Eds.) The Oxford handbook of criminology. (pp.1207-1246) Oxford: Clarendon Press: Oxford, UK.

Internet sites

Duncan, G. (2002). http//:www.members.iinet.au/~gduncan/facts.html (Accession date, 4th December 2002).

http//:www. sfmudeum.org. (Accession date 4th December, 2002).

Personal Communication

Dr Raymond Mangion, Personal communication, April, 10th 2001. The contents of the interview may also be view in - Mangion, R. (2002). Maltese Legislation 1914-1964. Unpublished D.Phil Thesis, University of Oxford, UK.

Archival Sources

NAM[18], Blue Book, 1850
NAM, Blue Book, 1851
NAM, Blue Book, 1860
NAM, Blue Book, 1870
NAM, Blue Book, 1931
NAM, CCP[19] 01
NAM, CCP 01/11
NAM, CCP 01/27
NAM, CCP 01/28
NAM, CCP 06/01
NAM, CCP 07/02
NAM, CCP 07/22
NAM, CCP 08/01/1931
NAM, CCP 08/01/1941
NAM, CCP 08/01/1951
NAM, CCP 09/02/1931
NAM, CCP 09/03/1941
NAM, CCP 09/03/1951
NAM, CCP 10/01
NAM, CCP 10/15/1931

[18] NAM – National Archives of Malta
[19] CCP – Corradino Civil Prison

NAM, CCP 10/27/1941
NAM, CCP 10/38/1951
NAM, CCP 11
NAM, CCP 12
NAM, CCP 13
NAM, CCP Administration Circulars 2/9/1931
NAM, CCP Administration Circulars 46/1931
NAM, CCP Administration Circulars 71/1931
NAM, CCP Administration Circulars 136/1951
NAM, CCP Daily Duties by Principal Officer, Division 4, 1951
NAM, CCP Daily Duties by Principal Officer, Division 5, 1951
NAM, CCP Daily Duties by Principal Officer, Division 6, 1951
NAM, CCP Daily Duties by Principal Officer, Division 7, 1951
NAM, CCP Debtors' Book, 1860
NAM, CCP Detail Book, 1951
NAM, CCP Director's Journal, 1951
NAM, CCP Inspector's Annual Report, 1850
NAM, CCP Inspector's Quarterly Report, 1850
NAM, CCP Marks Register, 1931
NAM, CCP Marks Register, 1941
NAM, CCP Medical Diet Book, 1930-1933
NAM, CCP Medical Journal, 1941-1945
NAM, CCP Medical Journal, 1948-1953
NAM, CCP Medical Officer Annual Report, 1850
NAM, CCP Medical Officer Annual Report, 1931
NAM, CCP Officers' Misconduct Book 1850-1985
NAM, CCP Principle Warder's Night Report, 1941
NAM, CCP Principle Warder's Night Report, 1951
NAM, CCP Prison Administration Records, 1931
NAM, CCP Prison Administration Records, 1941
NAM, CCP Prison Administration Records, 1951
NAM, CCP Prison Annual Report, 1850
NAM, CCP Prison Annual Report, 1860
NAM, CCP Prison Annual Report, 1870
NAM, CCP Prison Annual Report, 1945-1946
NAM, CCP Prison Annual Report, 1947-1948
NAM, CCP Prison Annual Report, 1949-1955
NAM, CCP Prison Chaplain's Annual Report, 1850
NAM, CCP Prison Chaplain's Annual Report, 1931
NAM, CCP Protestant Chaplain's Annual Report, 1850
NAM, CCP Prison Regulations, 1850
NAM, CCP Prison Regulations, 1931
NAM, CCP Punishment Book, 1850
NAM, CCP Punishment Book, 1860
NAM, CCP Punishment Book, 1870
NAM, CCP Punishment Book, 1931
NAM, CCP Punishment Book, 1941
NAM, CCP Punishment Book, 1951
NAM, CCP Prison Quarterly Reports, 1850
NAM, CCP Staff Conduct Book No. 1
NAM, CCP Superintendent's Annual Report, 1850
NAM, CCP Superintendent's Journal, 1860
NAM, CCP Superintendent's Letter Book, 1850-1853
NAM, CCP Superintendent's Second Quarterly Report, 1850
NAM, CCP Treasury Circulars 2/1941
NAM, CCP Treasury Circulars 1/1951
NAM, CCP Treasury Circulars 16/1951

NAM, CCP Treasury Departmental Books 1931 *
NAM, CCP Victual Book, 1951
NAM, CCP Visitors' Annual Report, 1850
NAM, CCP Weight Book, 1850
NAM, CCP Weight Book, 1931
NAM, CCP Weight Book, 1941
NAM, CSG[20] 01-02/22
NAM, CSG 01-02/25
NAM, CSG 01-79/1931
NAM, CSG 01-231/1931
NAM, CSG 01-438/1931
NAM, CSG 01-506/1931
NAM, CSG 01-556/1931
NAM, CSG 01-75/1932
NAM, CSG 01-97/1941
NAM, CSG 01-435/1941
NAM, CSG 01-449/1941
NAM, CSG 01-1330/1941
NAM, CSG 01-1480/1941
NAM, CSG 01-2200/1941
NAM, CSG 01-2403/1941
NAM, CSG 01-2606/1941
NAM, CSG 01-2852/1941
NAM, CSG 01-3053/1941
NAM, CSG 01-3302/1941
NAM, CSG 01-3443/1941
NAM, CSG 01-3461/1941
NAM, CSG 01-3498/1941
NAM, CSG 01-3816/1941
NAM, CSG 01-3938/1941
NAM, CSG 01-3971/1941
NAM, CSG 01-4715/1941
NAM, CSG 04-14/5126
NAM, CSG 04/22
NAM, CSG 04-22/1849
NAM, CSG 04-22/1850
NAM, CSG 04-23
NAM, CSG 04-31/3724
NAM, CSG 04-31/4362
NAM, CSG 04-31/5233
NAM, CSG 04-32/4613
NAM, CSG 04-32/4868
NAM, CSG 04-32/5236
NAM, CSG 04-32/5310
NAM, CSG 04-32/5375
NAM, CSG 04-32/5392
NAM, CSG 04-32/5400
NAM, CSG 04-32/5411
NAM, CSG 04-41/5165
NAM, CSG 04-41/5166
NAM, CSG 04-41/5221
NAM, CSG 04-41/5327
NAM, CSG 04-41/5336
NAM, CSG 04-42/6247
NAM, CSG 04-42/6281

[20] CSG – Chief Secretary to the Government

NAM, CSS[21] 54
NAM, CSS 57
NAM, CSS 85/50
NAM, CSS 93
NAM, DSS[22] 05/1860
NAM, DSS 67/119
NAM, DSS 67/166
NAM, DSS 68/34
NAM, GOV.01.2 24/19
NAM, GOV.01.2 24/38
NAM, GOV.01.2 25/36
NAM, GOV.01.2 26/5
NAM, GOV.01.2 26/6
NAM, GOV.02.1 57/59
NAM, Government Gazette 18th May 1849
NAM, Government Notice XXII.1934.4
NAM, LGO[23] 30/3945
NAM, LGO 30/4060
NAM, LGO 30/4158
NAM, LGO 30/4183
NAM, LGO 30.4390
NAM, LGO 30/4478
NAM, LGO 31/4593
NAM, LGO 32/4667
NAM, LGO 32/4685
NAM, LGO 32/5236
NAM, LGO 33/4828
NAM, LGO 33/4895
NAM, LGO 35/5108
NAM, LGO 35/5223
NAM, LGO 36/5260
NAM, LGO 36/5286
NAM, LGO 36/5293
NAM, LGO 36/5352
NAM, LGO 36/5375
NAM, LGO 36/5423
NAM, LGO 36/5487
NAM, LGO 36/5512
NAM, LGO 36/5530
NAM, LGO 38/5565
NAM, LGO 38/5595
NAM, LGO 38/5602
NAM, LGO 38/5604
NAM, LGO 48/64
NAM, LGO 48/1870
NAM, LGO 48/5602
NAM, LGO 48/7582
NAM, LGO 48/7687
NAM, LGO 48/5758
NAM, LGO 48/7863
NAM, LGO 48/7876
NAM, LGO 48/8158
NAM, LGO 48/8192

[21] CSS – Chief Secretary of State
[22] DSS – Dispatches of the Secretary of State
[23] LGO – Lieutenant Government Office

NAM, LGO 48/8216
NAM, LGO 48/8448
NAM, LGO 48/8530
NAM, LGO 48/8675
NAM, LGO 48/9306
NAM, LGO 48/9336
NAM, LGO 48/9394
NAM, LGO 48/9448
NAM, LGO 48/9514
NAM, LGO 64/9544
NAM, LGO 67/119
NAM, LGO 84/8448
NAM, Malta Census, 1948
NAM, Population Census 1851
NAM, Population Census, 1861
NAM, Population Census, 1871
NAM, Ordinance 1 of 1863
Public Records Office (UK), ADM, 178/355B